ELEMENTS OF MORALS:

WITH

SPECIAL APPLICATION OF THE MORAL LAW TO THE DUTIES OF THE INDIVIDUAL AND OF SOCIETY AND THE STATE.

BY

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PREFACE.

THE *Eléments de Morale*, by M. Paul Janet, which we here present to the educational world, translated from the latest edition, is, of all the works of that distinguished moralist, the one best adapted to college and school purposes. Its scholarly and methodical arrangement, its clear and direct reasonings, its felicitous examples and illustrations, drawn with rare impartiality from the best ancient and modern writers, make of this study of Ethics, generally so unattractive to young students, one singularly inviting. It is a system of morals, practical rather than theoretical, setting forth man's duties and the application thereto of the moral law. Starting with *Preliminary Notions*, M. Janet follows these up with a general division of duties, establishes the general principles of social and individual morality, and chapter by chapter moves from duties to duties, developing each in all its ramifications with unerring clearness, decision, and completeness. Never before, perhaps, was this difficult subject brought to the comprehension of the student with more convincing certainty, and, at the same time, with more vivid and impressive illustrations.

The position of M. Paul Janet is that of the *religious* moralist.

"He supplies," says a writer in the *British Quarterly Review*,* in a notice of his *Theory of Morals*, "the very element

* No. CLIX.—July 1, 1884, pp. 246, 247.

to which Mr. Sully gives so little place. He cannot conceive morals without religion. Stated shortly, his position is, that moral good is founded upon a natural and essential good, and that the domains of good and of duty are absolutely equivalent. So far he would seem to follow Kant; but he differs from Kant in denying that there are indefinite duties: every duty, he holds, is definite as to its *form;* but it is either definite or indefinite as to its application. As religion is simply belief in the Divine goodness, morality must by necessity lead to religion, and is like a flowerless plant if it fail to do so. He holds with Kant that *practical faith* in the existence of God is the postulate of the moral law. The two things exist or fall together."

This, as to M. Janet's position as a moralist; as to his manner of treating his subject, the writer adds:

". . . it is beyond our power to set forth, with approach to success, the admirable series of reasonings and illustrations by which his positions are established and maintained."

M. Janet's signal merit is the clearness and decision which he gives to the main points of his subject, keeping them ever distinctly in view, and strengthening and supplementing them by substantial and conclusive facts, drawn from the best sources, framing, so to say, his idea in time-honored and irrefutable truths.

The law of duty thus made clear to the comprehension of the student, cannot fail to fix his attention; and between fixing the attention and striking root, the difference is not very great.

C. R. C.

PREFATORY NOTE.

M. JANET is now too well know amongst us to need any introduction. His *Causes Finales*, which still remains the most comprehensive and philosophical treatise ever written on the subject of ends in nature, has become a naturalized classic in the English-speaking world, thanks to the excellent translation of Mr. Affleck. And all students of the deeper problems of ethics know the value of his *Morale*, which has recently been translated under the supervision of Ex-President Porter of Yale.

The *Eléments de Morale*, of which Mrs. Corson here offers a translation, is addressed to a different and a larger audience. While the *Morale* is in great part a metaphysics of ethics, and therefore abstract and argumentative, the *Eléments de Morale*, avoiding all subtle discussions and abstruse researches, seeks, as M. Janet himself tells us, "to present such of the clearest and most useful results of moral science as would be accessible to all minds, especially those of the young."

This seems to me a highly important mission at all times, and especially in a critical and skeptical age like ours. Whatever difference of opinion there may be about the ultimate origin and nature of duty, there can be none about the desirability of having men think of duty. Reflection may dissolve many beliefs, but, as the case of Darwin happily illustrates, it can only illumine the contents of the moral law and strengthen its claims upon us. To stimulate such reflection in the minds of the intelligent reading public, is the object of this work of Janet's. And for its purpose it can be heartily recommended.

Mrs. Corson, who is equally at home in French and English, has taken every pains to make the translation accurate. Her work may be left to speak for itself. I need only add that a few unimportants slips which escaped revision in the first edition have here been removed.

J. G. SCHURMAN.

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ELEMENTS OF MORALS.

CHAPTER I.

PRELIMINARY NOTIONS.

SUMMARY.

Starting point of morals.—Notions of common sense.

Object and divisions of morals.—Practical morality and theoretical morality.

Utility of morals.—Morals are useful: 1, in protecting us against the sophisms which combat them; 2, in fixing principles in the mind; 3, in teaching us to reflect upon the motives of our actions; 4, in preparing us for the difficulties which may arise in practice.

Short resume of theoretical morality.—Pleasure and the good.—Utility and virtue.—Duty.—Moral conscience and moral sentiment.—Liberty.—Merit and demerit.—Moral responsibility.—Moral sanction.

All sciences have for their starting-point certain elementary notions which are furnished them by the common experience of mankind. There would be no arithmetic if men had not, as their wants increased, begun by counting and calculating, and if they had not already had some ideas of numbers, unity, fractions, etc.; neither would there be any geometry if they had not also had ideas of the round, the square, the straight line. The same is true of morals. They presuppose a certain number of notions existing among all men, at least to some degree. Good and evil, duty and obligation, conscience, lib-

erty and responsibility, virtue and vice, merit and demerit, sanction, punishment and reward, are notions which the philosopher has not invented, but which he has borrowed from common sense, to return them again cleared and deepened.

Let us begin, then, by rapidly enumerating the elementary and common notions, the analysis and elucidation of which is the object of moral science, and explain the terms employed to express them.

I. Starting point of morals: common notions.—All men distinguish the *good* and the *bad*, *good* actions and *bad* actions. For instance, to love one's parents, respect other people's property, to keep one's word, etc., is right; to harm those who have done us no harm, to deceive and lie, to be ungrateful towards our benefactors, and unfaithful to our friends, etc., is wrong.

To do right is *obligatory* on every one—that is, it *should* be done; wrong, on the contrary, *should* be avoided. *Duty* is that *law* by which we are held to do the right and avoid the wrong. It is also called the *moral law*. This law, like all laws, *commands*, *forbids*, and *permits*.

He who acts and is capable of doing the right and the wrong, and who consequently is held to obey the moral law, is called a moral agent. In order that an agent may be held to obey a law, he must *know it and understand it*. In morals, as in legislation, *no one is supposed to be ignorant of the law*. There is, then, in every man a certain knowledge of the law, that is to say, a natural discernment of the right and the wrong. This discernment is what is called conscience, or sometimes the *moral sense*.

Conscience is an act of the mind, a *judgment*. But it is not only the mind that is made aware of the right and the wrong: it is the heart. Good and evil, done either by others or by ourselves, awaken in us emotions, affections of diverse nature. These emotions or affections are what collectively constitute the *moral sentiment*.

It does not suffice that a man know and distinguish the good and the evil, and experience for the one and for the other different sentiments; it is also necessary, in order to be a *moral agent*, that he be capable of *choosing* between them; he cannot be commanded to do what he cannot do, nor can he be forbidden to do what he cannot help doing. This power of choosing is called *liberty*, or *free will*.

A free agent—one, namely, who can discern between the right and the wrong—is said to be responsible for his actions; that is to say, he can answer for them, give an account of them, suffer their consequences; he is then their *real cause*. His actions may consequently be attributed to him, put to his account; in other words, *imputed* to him. The agent is responsible, the actions are *imputable*.

Human actions, we have said, are sometimes good, sometimes bad. These two qualifications have degrees in proportion to the importance or the difficulty of the action. It is thus we call an action *suitable*, *estimable*, *beautiful*, *admirable*, *sublime*, etc. On the other hand, a bad action is sometimes but a simple mistake, and sometimes a *crime*. It is *culpable*, *base*, *abominable*, *execrable*, etc.

If we observe in an agent the *habit* of good actions, a *constant tendency* to conform to the law of duty, this habit or constant tendency is called *virtue*, and the contrary tendency is called *vice*.

Whilst man feels himself bound by his conscience to seek the *right*, he is impelled by his nature to seek *pleasure*. When he enjoys pleasure without any admixture of pain, he is *happy;* and the highest degree of possible pleasure with the least degree of possible pain is *happiness*. Now, experience shows that happiness is not always in harmony with virtue, and that pleasure does not necessarily accompany right doing.

And yet we find such a separation unjust; and we believe in a natural and legitimate connection between pleasure and right, pain and wrong. Pleasure, considered as the conse-

quence of well-doing, is called *recompense;* and pain, considered as the legitimate consequence of evil, is called *punishment.*

When a man has done well he thinks, and all other men think, that he has a right to a recompense. When he has done ill they think the contrary, and he himself thinks also that he must atone for his wrong-doing by a chastisement. This principle, by virtue of which we declare a moral agent deserving of happiness or unhappiness according to his good or bad actions, is called the principle of merit and demerit.

The sum total of the rewards and punishments attached to the execution or violation of a law is called sanction; the sanction of the moral law will then be called *moral sanction.*

All law presupposes a legislator. The moral law will presuppose, then, a *moral* legislator, and morality consequently raises us to God. All human or earthly sanction being shown by observation to be insufficient, the moral law calls for a religious sanction. It is thus that morality conducts us to the *immortality of the soul.*

If we go back upon the whole of the ideas we have just briefly expressed, we shall see that at each of the steps we have taken there are always two contraries opposed the one to the other: *good* and *evil*, *command* and *prohibition*, *virtue* and *vice*, *merit* and *demerit*, *pleasure* and *pain*, *reward* and *punishment.*

Human life presents itself, then, under two aspects. Man can choose between the two. This power is liberty. This choice is difficult and laborious; it exacts from us incessant efforts. It is for this reason that life is said to be a *trial*, and is often represented as a *combat.* It should therefore not be represented as a play, but rather as a manly and valiant effort. Struggle is its condition, peace its prize.

Such are the fundamental ideas *morality* has for its object, and of which it seeks, at the same time, both the principles and the applications.

2. What is morality? the object of morality.—Morality may be considered as a *science* or as an *art*.

By science we understand a totality of truths connected with each other concerning one and the same object. Science has for its object proper, *knowledge*.

By art we understand a totality of rules or precepts for directing activity towards a definite end; art has for its object proper, *action*.

Science is *theoretical* or *speculative;* art is *practical*.

Morality is a science inasmuch as it seeks to know and demonstrate the principles and conditions of morality; it is an art inasmuch as it shows and prescribes to us its applications.

As science, morality may be defined: science of *good* or science of *duty*.

As art, morality may be defined: the art of right living or the art of right acting.

3. Division of morality.—Morality is divided into two parts: in one it studies principles, in the other, applications; in the one, *duty;* in the other, *duties*.

Hence a *theoretical* morality and a *practical* morality. The first may also be called *general* morality, and the second *particular* morality, because the first has for its object the study of the common and general character of all our duties, and the other especially that of the particular duties, which vary according to objects and circumstances. It is in the first that morality has especially the character of science, and in the second, the character of art.

4. Utility of morality.—The utility of moral science has been disputed. The ancients questioned whether virtue could be taught. It may also be asked whether it should be taught. Morality, it is said, depends much more upon the heart than upon the reasoning faculties. It is rather by education, example, habit, religion, sentiment, than through theories, that men become habituated to virtue. If this were so, moral science would be of no use.

However, though it may be true that for happiness nothing can take the place of practice, it does not follow that reflection and study may not very efficaciously contribute toward it, and for the following reasons:

1. It often happens that evil has its origin in the sophisms of the mind, sophisms ever at the service of the passions. It is therefore necessary to ward off or prevent these sophisms by a thorough discussion of principles.

2. A careful study of the principles of morality causes them to penetrate deeper into the soul and gives them there greater fixity.

3. Morality consists not only in the actions themselves, but especially in the motives of our actions. An outward morality, wholly of habit and imitation, is not yet the true morality. Morality must needs be accompanied by conscience and reflection. So viewed, moral science is a necessary element of a sound education, and the higher its principles the more the conscience is raised and refined.

4. Life often presents moral problems for our solution. If the mind is not prepared for them it will lack certainty of decision; what above all is to be feared is that it will mostly prefer the easier and the more convenient solution. It should be fortified in advance against its own weakness by acquiring the habit of judging of general questions before events put it to the proof.

Such is the utility of morality. It is of the same service to man as geometry is to the workman; it does not take the place of tact and common sense, but it guides and perfects them.

It is well understood, moreover, that such a study in nowise excludes, it even exacts, the co-operation of all the practical means we have indicated above, which constitute what is called *education*. Doctrinal teaching is but the complement and confirmation of teaching by practice and by example.

5. Short resume of theoretical morality.—*Theoretical*

morality should, in fact, precede practical morality, and that is what usually takes place; but as it presents more difficulties and less immediate applications than practical morality, we shall defer the developments it may give rise to, to a subsequent year.* The present will be a short résumé, purely elementary, containing only preliminary and strictly necessary notions. It will be an exposition of the common notions we have just enumerated above.

6. Pleasure and the good.—Morality being, as we have said, the science of the *good*, the first question that presents itself is: What is *good?*

If we are to believe the first impulses of nature, which instinctively urge us towards the agreeable and cause us to repel all that is painful, the answer to the preceding question would not be difficult; we should have but to reply: "Good is what makes us happy; good is *pleasure.*"

One can, without doubt, affirm that morality teaches us to be happy, and puts us on the way to true happiness. But it is not, as one might believe, in obeying that blind law of nature which inclines us towards pleasure, that we shall be truly happy. The road morality points out is less easy, but surer.

Some very simple reflections will suffice to show us that it cannot be said absolutely that pleasure is the *good* and pain the *bad.* Experience and reasoning easily demonstrate the falsity of this opinion.

1. Pleasure is not always a good, and in certain circumstances it may even become a real evil; and, *vice versa*, pain is not always an evil, and it may even become a great good. Thus we see, on the one hand, that the pleasures of intemperance bring with them sickness, the loss of health and reason, shortening of life. The pleasures of idleness bring poverty, uselessness, the contempt of men. The pleasures of vengeance and of crime carry with them chastisement, re

* The fifth collegiate year will be devoted to theoretical morality.

morse, etc. Conversely, again, we see the most painful troubles and trials bringing with them evident good. The amputation of a limb saves our life; energetic and painstaking work brings comfort, etc. In these different cases, if we consider their results, it is pleasure that is an evil and pain a good.

2. It must be added that among the pleasures there are some that are low, degrading, vulgar; for example, the pleasures of drunkenness; others, again, that are noble and generous, as the heroism of the soldier. Among the pleasures of man there are some he has in common with the beasts, and others that are peculiar to him alone. Shall we put the one kind and the other on the same level? Assuredly not.

3. There are pleasures very keen, which, however, are fleeting, and soon pass away, as the pleasures of the passions; others which are durable and continuous, as those of health, security, domestic comfort, and the respect of mankind. Shall we sacrifice life-long pleasures to pleasures that last but an hour?

4. Other pleasures are very great, but equally uncertain, and dependent on chance; as, for instance, the pleasures of ambition or the pleasures of the gaming-table; others, again, calmer and less intoxicating, but surer, as the pleasures of the family circle.

Pleasures may then be compared in regard to *certainty*, *purity*, *durability*, *intensity*, etc. Experience teaches that we should not seek pleasures without distinction and choice; that we should use our reason and compare them; that we should sacrifice an uncertain and fleeting present to a durable future; prefer the simple and peaceful pleasures, free from regrets, to the tumultuous and dangerous pleasures of the passions, etc.; in a word, sacrifice the *agreeable* to the *useful*.

7. Utility and virtue.—One should prefer, we have just seen, the *useful* to the *agreeable;* but the useful itself should not be confounded with the real good—that is, with the *honest*.

Let us explain the differences between these two ideas.

1. There is no virtue or moral goodness without *disinterestedness;* and he who never seeks anything but his own personal interest is branded by all as a *selfish* man.

2. Interest gives only advice; morality gives *commands.* A man is not obliged to be skillful, but he is obliged to be *virtuous.*

3. Personal interest cannot be the foundation of any *universal* and *general* law as applicable to others as to ourselves, for the happiness of each depends on his own way of viewing things. Every man takes his pleasure where he finds it, and understands his interest as he pleases; but honesty or justice is the same for all men.

4. The virtuous is *clear* and *self-evident;* the useful is *uncertain.* Conscience tells every one what is right or wrong; but it requires a long trained experience to calculate all the possible consequences of our actions, and it would often be absolutely impossible for us to foresee them. We cannot, therefore, always know what is useful to us; but we can always know what is right.

5. It is never impossible to do right; but one cannot always carry out his own wishes in order to be happy. The prisoner may always bravely bear his prison, but he cannot always get out of it.

6. We judge ourselves according to the principles of action we recognize. The man who *loses* in gambling may *be troubled* and regret his imprudence; but he who is conscious of having cheated in gambling (though he won thereby) must *despise* himself if he judges himself from the standpoint of moral law. This law must therefore be something else than the principle of personal happiness. For, to be able to say to one's self, "I am a *villain*, though I have filled my purse," requires another principle than that by which one congratulates himself, saying, "I am a prudent man, for I have filled my cash-box."

7. The idea of *punishment* or chastisement could not be

understood, moreover, if the good only were the useful. A man is not punished for inaptitude; he is punished for his guilt.

8. The good or virtue.—We have just seen that neither pleasure nor usefulness is the legitimate and supreme object of human life. We are certainly permitted to seek pleasure, since nature invites us to it; but we should not make it the aim of life. We are also permitted, and even sometimes commanded, to seek what is useful, since reason demands we see to our self-preservation. But, above pleasure and utility, there is another aim, a higher aim, the real object of human life. This higher and final aim is what we call, according to circumstances, the *good*, the *virtuous*, and the *just*.

Now, what is *virtue?*

We distinguish in man a double nature, *body* and *soul;* and in the soul itself two parts, one superior, one inferior; one more particularly deserving of the name of soul, the other more carnal, more material, if one may say so, which comes nearer the body. In one class we have *intelligence*, *sentiments*, *will;* in the other, *senses*, *appetites*, *passions*. Now, that which distinguishes man from the lower animal is the power to rise above the senses, appetites, and passions, and to be capable of thinking, loving, and willing.

Thus, moral good consists in preferring what there is best in us to what there is least good; the goods of the soul to the goods of the body; the dignity of human nature to the servitude of animal passions; the noble affections of the heart to the inclinations of a vile selfishness.

In one word, moral good consists in man becoming truly man—that is to say, "A free will, guided by the heart and enlightened by reason."

Moral good takes different names, according to the relations under which we consider it. For instance, when we consider it as having for its special object the individual man in relation with himself, good becomes what is properly called *virtue*, and has for its prime object personal dignity. In its

relation with other men, good takes the name of the *just*, and has for its special object the happiness of others. It consists either in not doing to others what we should not wish they should do to us, or in doing to others as we should ourselves wish to be done by. Finally, in its relation to God, the good is called piety or saintliness, and consists in rendering to the Father of men and of the universe what is his due.

9. Duty.—Thus, the *virtuous*, the *just*, and the *pious* are the different names which moral good takes in its relations to ourselves, to other men, or to God.

Moral good, under these different forms, presents itself always in the same character, namely, imposing on us the obligation to do it as soon as we recognize it, and that, too, without regard to consequences and whatever be our inclinations to the contrary.

Thus, we should tell the truth even though it injures us; we should respect the property of others, though it be necessary to our existence; finally, we should even sacrifice, if necessary, our life for the family and the country.

This law, which prescribes to us the doing right for its own sake, is what is called *moral law* or the *law of duty*. It is a sort of constraint, but a *moral constraint*, and is distinguished from *physical* constraint by the fact that the latter is dictated by fate and is irresistible, whilst the constraint of duty imposes itself upon our reason without violating our liberty. This kind of necessity, which commands reason alone without constraining the will, is moral *obligation*.

To say that the right is obligatory is to say, then, that we consider ourselves held to do it, without being forced to do it. On the contrary, if we were to do it by force it would cease to be the right. It must therefore be done freely, and duty may thus be defined *an obligation consented to*.

Duty presents itself in a two-fold character: it is *absolute* and *universal*.

1. It is absolute: that is to say, it imposes its commands unconditionally, without taking account of our desires, our

passions, our interests. It is by this that the *commands* of duty may be distinguished, as we have already said, from the counsels of an interested prudence. The rules or calculations of prudence are nothing but *means* to reach a certain end, which is the useful. The *law* of duty, on the contrary, is in itself its own *aim*. Here the law should be obeyed for its own sake, and not for any other reason. Prudence says: "The end justifies the means." Duty says: "Do as thou shouldst do, let come what will."

2. From this first character a second is deduced: duty being absolute, is *universal;* that is to say, it can be applied to all men in the same manner and under the same circumstances; whence it follows that each must acknowledge that this law is imposed not only on himself, but on all other men also.

To which correspond those two beautiful maxims of the Gospel: "Do to others as thou wishest to be done by. Do not do to others what thou dost not wish they should do to thee."

The law of duty is not only obligatory in itself, it is so also because it is derived from God, who in his justice and goodness wishes we should submit to it. God being himself the absolutely perfect being, and having created us in his image, wishes, for this very reason, that we should make every effort to imitate him as much as possible, and has thus imposed on us the obligation of being virtuous. It is God we obey in obeying the law of honesty and duty.

10. Moral conscience.—A law cannot be imposed on a free agent without its being known to him; without its being present to his mind—that is to say, without his accepting it as true, and recognizing the necessity of its application in every particular case. This faculty of recognizing the moral law, and applying it in all the circumstances that may present themselves, is what is called *conscience.*

Conscience is then that act of the mind by which we apply to a particular case, to an action *to be performed* or already *performed*, the general rules prescribed by moral law. It is

both the power that commands and the inward judge that condemns or absolves. On the one hand it *dictates* what should be done or avoided; on the other it *judges* what has been done. Hence it is the condition of the performance of all our duties.

Conscience being the practical judgment which in each particular case decides the right and the wrong, one can ask of man only one thing: namely, to act according to his conscience. At the moment of action there is no other rule. But one must take great care lest by subtle doubts, he obscures either within himself or in others the clear and distinct decisions of conscience.

In fact, men often, to divert themselves from the right when they wish to do certain bad actions, fight their own conscience with sophisms. Under the influence of these sophisms, conscience becomes *erroneous;* that is to say, it ends by taking good for evil and evil for good, and this is even one of the punishments of those who follow the path of vice: they become at last incapable of discerning between right and wrong. When it is said of a man that *he has no conscience*, it is not meant that he is really deprived of it (else he were not a man); but that he has fallen into the habit of not consulting it or of holding its decisions in contempt.

By *ignorant conscience* we mean that conscience which does wrong because it has not yet learned to know what is right. Thus, a child tormenting animals does not always do so out of bad motives: he does not know or does not think that he hurts them. In fact, it is with good as it is with evil; the child is already good or bad before it is able to discern between the one or the other. This is what is called the state of *innocence*, which in some respects is conscience asleep. But this state cannot last; the child's conscience, and in general the conscience of all men, must be enlightened. This is the progress of human reason which every day teaches us better to know the difference between good and evil.

It sometimes happens that one is in some respects in doubt

between two indications of conscience; not, of course, between duty and passion, which is the highest moral combat, but between two or more duties. This is what is called a *doubting* or *perplexed* conscience. In such a case the simplest rule to follow, when it is practicable, is the one expressed by that celebrated maxim: *When in doubt, abstain.* In cases where it is impossible to absolutely abstain, and where it becomes necessary not only to act but to choose, the rule should always be to choose that part which favors least our interests, for we may always suppose that that which causes our conscience to doubt, is an interested, unobserved motive. If there is no private interest in the matter either on the one side or the other, there remains nothing better to do than to decide according to circumstances. But it is very rare that conscience ever finds itself in such an absolute state of doubt, and there are almost always more reasons on the one side than on the other. The simplest and most general rule in such a case is to chose what seems most probable.

II. Moral Sentiment.—At the same time, as the *mind* distinguishes between good and evil by a *judgment* called conscience, the *heart* experiences emotions or divers affections, which are embraced under the common term *moral sentiment.* These are the pleasures or pains which arise in our soul at the sight of good or evil, either in *ourselves* or in *others.*

In respect to our own actions this sentiment is modified according as the action is to be performed, or is already performed. In the first instance we experience, on the one hand, a certain attraction for the right (that is when passion is not strong enough to stifle it), and on the other, a repugnance or aversion for the wrong (more or less attenuated, according to circumstances, by habit or the violence of the design). Usage has not given any particular names to these two sentiments.

When, on the contrary, the action is performed, the pleasure which results from it, if we have acted rightly, is called *moral satisfaction;* and if we have acted wrong, *remorse*, or *repentance.*

Remorse is a burning pain; and, as the word indicates, the *bite* that tortures the heart after a culpable action. This pain may be found among the very ones who have no regret for having done wrong, and who would do it over again if they could. It has therefore no moral character whatsoever, and must be considered as a sort of punishment attached to crime by nature herself. "Malice," said Montaigne, "poisons itself with its own venom. Vice leaves, like an ulcer in the flesh, a repentance in the soul, which, ever scratching itself, draws ever fresh blood."

Repentance is also, like remorse, a pain which comes from a bad action; but there is coupled with it the regret of having done it, and the wish, if not the firm resolution, never to do it again.

Repentance is a sadness of the soul; remorse is a torture and an anguish. Repentance is almost a virtue; remorse is a punishment; but the one leads to the other, and he who feels no remorse can feel no repentance.

Moral satisfaction, on the contrary, is a peace, a joy, a keen and delicious emotion born from the feeling of having accomplished one's duty. It is the only remuneration that never fails us.

Among the sentiments called forth by our own actions, there are two which are the natural auxiliaries of the moral sentiment: they are the sentiment of *honor* and the sentiment of *shame*.

Honor is a principle which incites us to perform actions which raise us in our own eyes, and to avoid such as would lower us.

Shame is the opposite of honor; it is what we feel when we have done something that lowers us not only in the eyes of others, but in our own. All remorse is more or less accompanied by shame; yet the shame is greater for actions which indicate a certain baseness of soul. For instance, one will feel more ashamed of having told a falsehood than for having struck a person; for having cheated in gambling than for having fought a duel.

Honor and shame are therefore not always an exact measure of the moral value of actions; for be they but brilliant, man will soon rid himself of all shame; this happens, for instance, in cases of prodigality, licentiousness, ambition. One does wrong, not without remorse, but with a certain ostentation which stifles the feelings of shame.

Let us pass now to the sentiments which the actions of others excite in us.

Sympathy, antipathy, kindness, esteem, contempt, respect, enthusiasm, indignation, these are the various terms by which we express the diverse sentiments of the soul touching virtue and vice.

Sympathy is a disposition to share the same impressions with other men; to sympathize with their joy is to share that joy; to sympathize with their grief is to share that grief. It may happen that one sympathizes with the defects of others when they are the same as our own; but, as a general thing, people sympathize above all with the good qualities, and experience only antipathy for the bad. At the theatre, all the spectators, good and bad, wish to see virtue rewarded and crime punished.

The contrary of sympathy is antipathy.

Kindness is the disposition to wish others well. *Esteem* is a sort of kindness mingled with judgment and reflection, which we feel for those who have acted well, especially in cases of ordinary virtues; for before the higher and more difficult virtues, esteem becomes *respect;* if it be heroism, respect turns into *admiration* and *enthusiasm;* admiration being the feeling of surprise which great actions excite in us, and enthusiasm that same feeling pushed to an extreme; carrying us away from ourselves, as if a god were in us.* *Contempt* is the feeling of aversion we entertain towards him who does wrong; it implies particularly a case of base and shameful actions. When these actions are only condemnable without being

* The word enthusiasm comes from a Greek word signifying, to be filled with a god.

odious, the sentiment is one of *blame*, which, like esteem, is nearer being a judgment than a sentiment. When, finally, it is a case of criminal and revolting actions, the feeling is one of *horror* or *execration*.

12. Liberty.—We have already said that man or the *moral agent* is *free*, when he is in a condition to choose between right and wrong, and able to do either at his will.

Liberty always supposes one to be in possession of himself. Man is free when he is awake, in a state of reason, and an adult. He is not free, or very little so, when he is asleep, or delirious, or in his first childhood.

Liberty is certified to man.

1. By the inward sentiment which accompanies each of his acts; for instance, at the moment of acting, I feel that I can will or not will to do such or such an action; if I enter on it, I feel that I can discontinue it as long as it is not fully executed; when it is completed, I am convinced that I might have acted otherwise.

2. By the very fact of *moral law* or *duty;* I *ought*, therefore I *can*. No one is held to do the impossible. If, then, there is in me a law that commands me to do good and avoid evil, it is because I can do either as I wish.

3. By the *moral satisfaction* which accompanies a good action; by the remorse or repentance which follows a bad one. One does not rejoice over a thing done against his will, and no one reproaches himself for an act committed under compulsion. The first word of all those reproached for a bad action is, that it was not done *on purpose, intentionally*. They acknowledge thereby that we can only be reproached for an action done wilfully; namely, freely.

4. By the rewards and punishments, and in general by the *moral responsibility* which is attached to all our actions when they have been committed knowingly. We do not punish actions which are the result of constraint or ignorance.

5. By the *exhortations* or counsels we give to others. We do not exhort a man to be warm or cold, not to suffer hunger

or thirst, because it is well known that this is not a thing dependent on his will. But we exhort him to be honest, because we believe that he can be so if he wishes.

6. By *promises*: no one promises not to die, not to be sick, etc., but one promises to be present at a certain meeting, to pay a certain sum of money, on such a day, to such a man, because one feels he can do so unless circumstances over which he has no control prevent.

Prejudices against Liberty.—Although men, as we have seen, may have the sense of liberty very strong, and may show it by their acts, by their approbation or blame, etc., yet, on the other hand, they often yield to the force of certain prejudices which seem to contradict the universal belief we have just spoken of.

1. *Character.*—The principal one of these prejudices is the often expressed opinion that every man is impelled by his own *character* to perform the actions which accord with this character, and that there is no help against this irresistible necessity of nature; this is often expressed by the common axiom: "One cannot make himself over again." The same has also been expressed by the poet Destouches in that celebrated line:

Chassez le naturel, il revient au galop.*

Nothing is less exact as a fact and more dangerous as a principle, than this pretended immutability of human character, which, if true, would render evil irremediable and incorrigible.

Experience teaches the contrary. No man is wholly deprived of good and bad inclinations; he may develop the one or the other, as he chooses between them.

2. *Habits.*—Habits in the long run become, it is true, irresistible. It is a fact which has been often observed; but if, on the one hand, an inveterate habit is irresistible, it is not so in the beginning, and man is thus free to prevent the en-

* Drive away nature, and it gallops back again. Lafontaine has said the same thing: "Shut the door to its nose, and it will return by the window."

croachments of bad habits. It is for this reason that moralists warn us above all against the beginnings of habits. "Beware especially of beginnings," says the *Imitation.*

3. *Passions.*—Passions have especially enjoyed the privilege of passing for uncontrollable and irresistible. All great sinners find their excuse in the fatal allurements of passions. "The spirit is willing, but the flesh is weak," says the Gospel. The remarks we have just made touching the habits, may be equally applied to the passions. It is rare that passions manifest themselves all of a sudden, and with that excess of violence which, breaking upon one unexpectedly and like a delirium, assume, indeed, all the appearances of a fatality. But, as a general thing, passions grow little by little. "Some smaller crimes always precede the greater crimes." It is especially when the first attacks of a passion begin to show themselves that it should be energetically fought down.

4. *Education and circumstances.*—The education one has received, the circumstances one finds himself in, may put a limit to his liberty; and man is not wholly responsible for the impulses which he may owe to example and the bad principles in which he may have been brought up. These may, perhaps, be called *attenuating circumstances;* but they do not go so far as wholly to suppress liberty and responsibility. In the appreciation of *other people's acts,* we may allow the *attenuating circumstances* as large a margin as possible, but in the case of self-government, one should make it as strict and narrow as possible. No one having, in fact, a measure by which he may determine his moral strength in an absolute manner, it is better to aim too high than too low. One should be guided by the principle that nothing is impossible to him who has a strong will; for "we can do a thing when we think we can." In conclusion, liberty means nothing else but *moral strength.* Experience certifies that man can become the master of the physical nature which he can subject to his designs; he can gain the mastery over his own body, his passions, his habits, his own disposition; in a word, he can be "master of him-

self." In thus ascending, step by step, from exterior nature to the body, from the body to the passions, from the passions to the habits and the character, we arrive at the first motor of action which moves everything without being moved: namely, liberty.

13. Merit and demerit.—We call in general *merit* the quality by virtue of which a moral agent renders himself worthy of a reward; and *demerit* that by which he renders himself, so to say, worthy of punishment.

The merit of an action may be determined: 1, by the difficulty of the action; 2, by the importance of the duty.

1. Why, for instance, is there in general very little merit in respecting other people's property and abstaining from theft? Because education in this respect has so fashioned us, that few men have any temptation to the contrary; and, even were there such a temptation, we should be ashamed to publicly claim any merit for having resisted it.

Why, on the other hand, is there great merit in sacrificing one's life to the happiness of others? Because we are strongly attached to life, and comparatively very little attached to men in general; to sacrifice what we love most, to what we love but little, from a sense of duty, is evidently very difficult; for this reason, we find in this action a very great merit.

Suppose a man, who had enjoyed in all security of conscience and during a long life, a large fortune which he believes his, and of which he has made the noblest use, should learn all at once, and at the brink of old age, that this fortune belongs to another. Suppose, to render the action still more difficult to perform, that he alone knows the fact, and could consequently in all security keep the fortune if he wishes; aggravate the situation still more by supposing that this fortune belongs to heirs in great poverty, and that in renouncing it the possessor would himself be reduced to utter misery. Imagine, finally, all the circumstances which may render a duty both the strictest and most difficult, and you will have an action the merit of which will be very great.

2. It is not only the difficulty of an action that constitutes its merit, but also the importance of the duty. Thus the merit of a difficulty surmounted, has no more value in morality than it has in poetry, when it stands alone. One may of course impose upon himself a sort of moral gymnastics, and consequently very difficult tasks, though very useless in the end; but these will be considered only in the light of discipline and exercise, and not in that of duty; and this discipline would have to be more or less connected with the life one may be called to lead. For instance, suppose a missionary, called to brave during all his life all kinds of climates and dangers, should exercise himself beforehand in undertakings brave and bold, such undertakings would be both reasonable and meritorious. But he who out of bravado, ostentation, and without any worthy aim, should undertake the climbing to inaccessible mountain-tops, the swimming across an arm of the sea, the fighting openly ferocious animals, etc., he would accomplish actions which, it is true, would not be without merit, since they are brave; but their merit would not be equivalent to that we should attribute to other actions less difficult, but more wise.

As to demerit, it is in proportion to the gravity of duties, and the facility of accomplishing them. The more important a matter, and the easier to fulfil, the more is one culpable in failing to fulfil it.

According to these principles, one may determine as follows the estimation of moral actions:

Human actions, we have said, are divided into two classes: the good and the bad. It is a question among the moralists to determine whether there are any that are to be called *indifferent*.

Among the good actions, some are *beautiful*, *heroic*, *sublime*; others, *proper*, *right*, and *virtuous*; among the bad, some are simply *censurable*, others *shameful*, *criminal*, *hideous*; finally, among the indifferent ones, some are agreeable and allowable, others necessary and unavoidable.

Let us give some examples by which the different characters of human actions may be well understood.

A judge who administers justice without partiality, a merchant who sells his merchandise for no more than it is worth, a debtor who regularly pays his creditor, a soldier punctual at drill, obedient to discipline, and faithful at his post in times of peace or war, a schoolboy doing regularly the task assigned to him, all these persons perform actions good and laudable, but they cannot be called extraordinary. They are approved of, but not admired. To manage one's fortune economically, not to yield too much to the pleasure of the senses, to tell no lies, to neither strike nor wound others, are so many good, right, proper, and estimable actions; but they cannot be called admirable actions.

Actions are beautiful in proportion to the difficulty of their performance; when they are extremely difficult and perilous, then we call them heroic and sublime; that is, provided they are good actions, for heroism is unfortunately sometimes allied with wrong. He who, like President de Harlay, can say to a very powerful usurper: "It is a sad thing when the servant is allowed to dismiss the master;" he who can say, like Viscount d'Orthez, who made opposition to Charles IX. after St. Bartholomew, saying: "My soldiers are no executioners;" he who, like Boissy d'Anglas, can firmly and resolutely uphold the rights of an assembly in the face of a sanguinary, violent, and rebellious populace; he who, like Morus or Dubourg, would rather die than sacrifice his trust; he who, like Columbus, can venture upon an unknown ocean, and brave the revolt of a rude and superstitious crew, to obey a generous conviction; he who, like Alexander, confides in friendship enough to receive from the hands of his physician a drink reputed poisoned; any man, in short, who devotes himself for his fellow beings, who, in fire, in water, in the depths of the earth, braves death to save life; who, in order to spread the truth, to remain true and honest, to work in the interests of religion,

science, or humanity, will suffer hunger and thirst, poverty, slavery, torture, or death, is a *hero*.

Epictetus was a slave. His master, for some negligence or other, caused him to be beaten. "You will break my leg," said the sufferer; and the leg broke, indeed, under the blows. "I told you you would break it," he remarked quietly. This is a hero.

Joan of Arc, defeated by the English and made a prisoner, threatened with the stake, said to her executioners: "I knew quite well that the English would put me to death; but were there a hundred thousand of them, they should not have this kingdom." This is a heroine.

Bad actions have their degrees likewise. But here we should call attention to the fact that the worst are those that stand in opposition to the simply good actions; on the contrary, an action which is not heroic is not necessarily bad; and when it is bad it is not to be classed among the most criminal. Some examples will again be necessary to understand these various shades of meaning, which every one feels and recognizes in practice, but which are very difficult to analyze theoretically.

To be respectful towards one's parents is a good and proper action, but not a *heroic* one. On the contrary, to strike them, insult them, kill them, are abominable actions, and to be classed among the basest and most hideous that can be committed. To love one's friends, to be as serviceable to them as possible, shows a straightforward and well-endowed soul; but there is nothing sublime in it. On the other hand, to betray friendship; to slander those that love us; to lie in order to win their favor; to inquire into their secrets for the purpose of using them against them, are black, base, and shameful actions. There is scarcely any merit in not taking what does not belong to us; theft, on the contrary, is the most contemptible of things. Now, not to be able to bear with adversity, to fear death, to shrink from braving the ice of the North Pole, to stay at home when fire

or flood threatens our neighbor, may be mean or weak, but not criminal. Let us add, however, that there are cases where heroism becomes obligatory, and where it is criminal not to be heroic. A sea-captain, who has endangered his ship, and who, instead of saving it, leaves his post; a general who, when the moment calls for it, refuses to die at the head of his army, lack courage; the chief of a State who, in times of revolt, or when the country is in peril, fears death; the president of a convention who takes to flight before a rebellion; the physician who runs away before an epidemic; the magistrate who is afraid to be just; all these are truly culpable. Every condition of life has its peculiar heroism, which at certain moments becomes a duty. Yet will it always be true that the more easy an action is, the less excusable is its neglect, and consequently the more odious is it to try to escape from it.

Besides the good or bad actions, there are others which appear to partake of neither the one nor the other of these two characters, which are neither good nor bad, and which for this reason are called indifferent. For instance, to go and take a walk is an action which, considered by itself, is neither good nor bad, although it may become the one or the other according to circumstances. To be asleep, to be awake, to eat, to take exercise, to talk with one's friends, to read an agreeable book, to play on some instrument, are actions which certainly have nothing bad in themselves, but which, nevertheless, could not be cited as examples of good actions. One would not say, for instance, such a one is an honest man because he plays the violin well; such a one is a scholar because he has a good appetite; still less when actions absolutely necessary come into question, as the act of breathing and sleeping. Actions, then, which are inseparable from the necessities of our existence, have no moral character; they are the same with us as with the animals and plants; they are purely natural actions. There are others, again, that are not necessary, but simply agreeable, which we perform because they suit our tastes and fancies.

It is sufficient that they are not contrary to the right, that one cannot call them bad; but it does not follow from this that they are good, and such are what are called indifferent actions.

Such, at least, is the appearance of things; for, in a more elevated sense, the moralists were right in saying that there is no action absolutely indifferent, and that all actions are in some respect good or bad, according to motive.

14. Moral responsibility.—Man being free, is for this reason *responsible* for his actions: they can be imputed to him. These two expressions have about the same meaning, only the term responsibility applies to the agent, and imputability to the actions.

The two fundamental conditions of moral responsibility are: 1, the knowledge of good and evil; 2, the liberty of action. In proportion as these two conditions vary, the responsibility will vary.

It follows from this, that idiocy, insanity, delirium in cases of illness—destroying nearly always both conditions of responsibility—namely, discernment and free agency, deprive thereby of all moral character the actions committed in these different states. They are not of a nature to be imputed to a moral agent. Yet are there certain lunatics not wholly insane who may preserve in their lucid state a certain portion of responsibility.

2. Drunkenness. May that be considered a cause of irresponsibility? No, certainly not; for, on the one hand, one is responsible for the very act of drunkenness; and, on the other, one knows that in putting himself in such a condition he exposes himself to all its consequences, and accepts them implicitly. For example, he who puts himself in a state of drunkenness, consents beforehand to all the low, vulgar actions inseparable from that state. As to the violent and dangerous actions which may accidentally result from it, as blows and murders springing from quarrels, one cannot, of course, impute them to the drunken man with the same sever-

ity as to the sober man, for he certainly did not explicitly chose them when he put himself into a state of drunkenness; but neither is he wholly innocent of them, for he knew that they were some of the possible consequences of that condition. As to him who puts himself voluntarily into a state of drunkenness, with the express intention of committing a crime and giving himself courage for the act, it is evident that, so far from diminishing thereby his share of responsibility in the action, he, on the contrary, increases it, since he makes violent efforts to keep off all the scruples or hesitations which might keep him from committing it.

3. "No one is held to do impossible things." According to this theory, it is evident that one is not responsible for an action he has been absolutely unable to accomplish; thus we cannot blame a paralytic, or a child, or an invalid, for not taking up arms in defence of his country. Yet we must not have voluntarily created the impossibility of acting, as it often happened in Rome, where some, in order not to go to war, cut off their thumbs. The same with a debtor who, by circumstances independent of his will (fire, shipwreck, epidemics), is unable to acquit himself: he is excusable; but if he placed himself in circumstances which he knew would disable him, his inability is no longer an excuse.

4. Natural qualities or defects of mind and body cannot be imputed to any one, either for good or for bad. Who would reproach a man for being born blind, or because he became so in consequence of sickness or a blow? The same with the defects of the mind: no one is responsible for having no memory, or for not being bright. Yet as these defects may be corrected by exercise, we are more or less responsible for making no efforts to remedy them. As to the defects or deformities which result from our own fault, as, for example, the consequences of our passions, it is evident that they can justly be imputed to us. Natural qualities cannot be credited to any one. Thus we should not honor people for their physical strength, health, beauty, or even wit; and no one should boast

of such advantages, or pride himself on them. However, he who by a wise and laborious life has succeeded in preserving or developing his physical strength, or who, by the effort of his will, has cultivated and perfected his mind, deserves praise; and it is thus that physical and moral advantages may become indirectly legitimate matter for moral approbation.

5. The effects of extraneous causes and events, whatever they may be, whether good or bad, can only be imputed to a man, as he could or should have produced, prevented, or directed them, and has been careful or negligent in doing so. Thus a farmer, according as he works the land entrusted to him well or badly, is made responsible for a good or bad harvest.

6. A final question is that of the responsibility of a man for other people's actions. Theoretically, no man certainly is responsible for any but his own actions. But human actions are so interlinked with each other that it is very rare that we have not some share, direct or indirect, in the conduct of others. For instance, one is responsible in a certain measure for the conduct of those under him; a father for his children, a master for his servants, and, up to a certain point, an employer for his workmen; 2, one is responsible in a measure for actions which he might have prevented, when, either through negligence or laziness, he did not do so; if you see a man about to kill himself, and make no effort to prevent it, you are not innocent of his death, unless, of course, you did not suspect what he was going to do; 3, you are responsible for other people's actions when, either by your instigations, or even by a simple approbation, you have co-operated towards them.

15. Moral sanction.—We call the *sanction* of a law the body of recompenses and punishments attached to the execution or violation of the law. Civil laws, in general, make more use of punishments than rewards; for punishments may appear means sufficient to have the law executed. In educa-

tion, on the contrary, the commands or laws laid down by a superior, have as much need of rewards as punishments.

But what is to be understood by the terms *recompense* and *punishment?* The recompense of a good and virtuous action is the pleasure we derive from it, and for the very reason that it is good and virtuous.

There are to be distinguished, however, two other kinds of rewards, which, though they resemble recompense, are nevertheless very different from it namely, *favor* and *remuneration.*

Favor is a pleasure or an advantage bestowed on us, without our having deserved or earned it; a pure expression of the good-will of others towards us. It is thus that a king grants favors to his courtiers, that those in power distribute favors. It is thus we speak of the favors of fortune. Although theoretically there is no reason why we should understand the word favor in a bad sense, yet has it by usage come to signify not only an advantage undeserved, but unworthy; not only a legitimate preference which has its reason in sympathy, but an arbitrary choice more or less contrary to justice. However, although no such ugly signification need be attached to it, a favor, as a gratuitous gift, must always be distinguished from reward, which, on the contrary, implies a *remuneration;* that is to say, a gift in return for something.

Yet not all remuneration is necessarily a reward; and here we must establish another distinction between reward and remuneration. By remuneration we mean the price we pay for a service rendered us, no matter what motive may determine a person to render us this service; it is for its utility we pay, and for nothing else. The reward, on the contrary, implies the idea of a certain effort to do good. He who renders us a service from affection and devotion, would refuse being *paid* for it, and, *vice versa*, he who sells us his work does not ask us for a recompense, but for an equivalent of what he would have earned for himself if he had applied his work to his own wants.

On the contrary, we call every pain or suffering inflicted on an agent for committing a bad action, for no other reason than that it is bad, chastisement or punishment.

Punishment stands against *damage* or *wrong;* that is to say, against undeserved harm. The *blows* of fortune or of men are not always punishments. One may be *struck* without being punished.

Although we say in a general way that the ills that befall men are often the chastisements of their faults, yet this should not be taken too strictly, otherwise we should too easily transform the merely unfortunate into criminals.

Although recompenses and punishments may be only secondary means by which men may be led to do good and avoid evil, this should not be their essential office nor their real idea.

It is not that the law *should be* fulfilled that there are rewards and punishments in morality; it is *because* it has been fulfilled or violated. Such is the true principle of reward. It comes from justice, not utility.

For the same reason, chastisement, in its true sense, should not only be a *menace* insuring the execution of the law, but a *reparation* or *expiation* for its violation. The order of things disturbed by a rebellious will is again re-established by the suffering which is the consequence of the fault committed. In one sense it may be said that punishment is the *remedy* for the fault. In fact, injustice and vice being, as it were, the diseases of the soul, it is certain that suffering is their remedy; but only on condition that this suffering be accepted by way of chastisement. It is thus that grief has a purifying virtue, and that instead of being considered an evil, it may be called a good.

Another confusion of ideas which should be equally avoided, and which is very common among men, is that which consists in taking the reward itself for a good, and the punishment for an evil.

It is thus that men are often more proud of the titles and

honors they have obtained, than of the real merit through which they have won them. It is thus also that they fear the prison more than the crime, and shame more than vice.

It is for this reason that the greatest courage is needed to bear undeserved punishment.

We distinguish generally *four species* of sanction:

1. *Natural* sanction; 2, *legal* sanction; 3, the sanction of *public opinion;* 4, *inward* sanction.

1. Natural sanction is that which rests on the natural consequences of our actions. It is natural for sobriety to keep up and establish health, for intemperance to be a cause of disease. It is natural for work to bring with it ease of circumstances, for idleness to be a source of misery and poverty. It is natural that probity should insure security, confidence, and credit; that courage should put off the chances of death; that patience should render life more bearable; that good-will should call forth good-will; that wickedness should drive men from us; that perjury should cause them to distrust us, etc. These facts have ever been verified by experience. The honest is not always the useful; but it is often what is most useful.

2. *Legal* sanction is above all a *penal* sanction. It is composed of the chastisements which the law has established for the guilty. There are, in general, few rewards established by the law, and they may be classed among what is called the esteem of men.

3. Another kind of sanction consists in the *opinion* other men entertain in regard to our actions and character. We have seen that it is in the nature of good actions to inspire esteem, in the nature of the bad to inspire blame and contempt. The honest man generally enjoys public honor and consideration. The dishonest man, even though the law does not reach him, is branded with discredit, aversion, contempt, etc.

4. Finally, a more exact and certain sanction is that which results from the very conscience and moral sentiment mentioned above.

16. The superior sanction: the future life.—These various sanctions being insufficient to satisfy our want of justice, there is required still another, namely, the *superior religious* sanction.

It is a well-known fact that virtue is not a sufficient shield to protect us against the blows of adversity, and that immorality does not necessarily condemn one to misery and grief. It is evident that a man corrupt and wicked may be born with all the advantages of genius, fortune, health; and that an honest man may have inherited none of these.

There is in this neither injustice nor blind chance; but it proves that the harmony between moral good and happiness is not of this world.

In regard to the pleasures and pains of conscience, it is also evident that they are not sufficient. In fact, the pleasures of the senses may divert and deaden the pangs of remorse; and it must also be said, though it be still more sad, that it sometimes happens that a merciless continuance of misfortune deadens in an honest soul the delight in virtue; and the painful efforts which virtue costs may finally obliterate in a man, tired of life, the calm and sweet enjoyment which it naturally brings with it.

If such is the disproportion and disagreement between the inner pleasures and pains, and the moral merit of him who experiences them, what shall we say of that wholly outward sanction which consists in the rewards and punishments distributed by the unequal justice of man? I do not speak of legal pains alone; it is well known that they often fall upon the innocent, and are spared to the guilty; that they are almost always disproportioned: the law punishing the crime, without taking note of the exact moral value of the action; but I speak also of the pains and rewards of public opinion, esteem, and contempt. Are these always in an exact proportion to merit?

From all these observations it results that the law of harmony between good and happiness is not of this world; that

there is always disagreement, or at least disproportion, between moral merit and the pleasures of the senses. Hence the necessity of a superior sanction, the means and time of which are in the hand of God.

"The more I go within myself," says a philosopher,* "the more I consult myself, the more I read these words written in my soul: *be just and thou shalt be happy.* And yet it is not so, looking at the actual state of things: the wicked prosper, and the just are oppressed. See, also, what indignation arises in us when this expectation is frustrated! The conscience murmurs and rebels against its author; it cries to him, groaning: Thou hast deceived me! I have deceived thee, oh thou rash one? Who has told thee so? Is thy soul annihilated? Hast thou ceased to exist? Oh, Brutus! oh, my son, do not stain thy noble life by putting an end to it; do not leave thy hopes and glory with thy body on the fields of Philippi. Why sayest thou: Virtue is nothing when thou art now about entering into the enjoyment of thine? Thou shalt die, thinkest thou; no, thou shalt live, and it is then I shall keep what I have promised! One would say, hearing the murmurings of impatient mortals, that God owes them a reward before they have shown any merit, and that he is obliged to pay their virtue in advance. Oh! let us first be good; we shall be happy afterwards. Do not let us claim the prize before the victory, nor the salary before the work. 'It is not in the lists,' says Plutarch, 'that the victors in our sacred games are crowned; it is after they have run the course.'"

* J. J. Rousseau, *Emile.*

CHAPTER II.

DIVISION OF DUTIES—GENERAL PRINCIPLES OF SOCIAL MORALITY.

SUMMARY.

Division of duties.—In theory there is but one duty, which is to do right; but this duty is subdivided according to the various relations of man. Hence three classes of duties: duties towards ourselves, towards others, towards God: *individual, social, religious* morality. We will begin with social morality, which requires the most expounding.

General principles of social duties: to do good; not to do evil.

Different degrees of this double obligation: 1, not to return evil for good *(ingratitude)*; 2, not to do evil to those who have not done us any *(injustice and cruelty)*; 3, not to return evil for evil *(revenge)*; 4, to return good for good *(gratitude)*; 5, to do good to those who have not done us any *(charity)*; 6, to return good for evil *(clemency, generosity)*.

Distinction between the various kinds of social duties: 1, towards the *lives* of other men; 2, towards their *property*; 3, towards their *family*; 4, towards their *honor*; 5, towards their *liberty*.

Distinction between the duties of justice and the duties of charity.—Justice is absolute, without restriction, without exception. Charity, although as obligatory as justice, is more independent in its application. It chooses its time and place; its objects and means; *its beauty is in its liberty.*

We have seen that *practical* morality or *private* morality has for its object to acquaint us with the *application* of theoretical morality. It bears not so much on *duty* as on *duties*. The first question, then, that presents itself to us is that of the *division of duties.*

17. Division of duties.—It has been reasonably asserted that there is in reality but one duty, which is to do good under all circumstances, the same as it has also been said that there is but one virtue: wisdom, or obedience to the laws of reason. But as these two general divisions teach us in reality nothing touching our various actions, which are very numerous, it is useful and necessary to classify the principal circumstances in which we have to act, in order to specify in a more particular manner wherein the general principle which commands us to do good may be applied in each case.

Human actions may then be divided, either in regard to the different beings they have for their object, or in regard to the various faculties to which they relate.

The ancients divided morality particularly in reference to the divers human *faculties*, and in private morality they considered above all the *virtues*.

The moderns, on the other hand, have divided morality particularly in its relations to the different *objects* of our actions; and, in private morality, they have considered, above all, the *duties*.

The ancients reduced all virtues to four principal ones: *prudence*, *temperance*, *courage*, and *justice*. This division was transmitted to us, and it is these four virtues which the catechism teaches under the name of *cardinal* virtues.

The moderns reduced duties to three classes: the duties towards *ourselves*, towards *others*, and towards *God*. Some add a fourth class, namely, duties towards *animals*.

That portion of morality which treats of the duties towards ourselves, is called *individual* morality; that which treats of the duties towards God, is called *religious morality;* that which treats of the duties towards other men, *social morality*. As to the duties towards animals, they are of so secondary an order, that it is not worth while to classify them apart; we shall include them in social morality.

Social morality is by far the most extended in precepts and applications, the various relations of men with each other

being extremely numerous. It may be subdivided into three parts: 1, general duties of *social* life, or morality *properly called social;* 2, duties towards the State, or *civil* morality; 3, duties towards the family, or *domestic* morality.

We will begin with the study of social morality, social duties towards men in general, and we will first establish their principles and different varieties.

Let us in a few pages rapidly take a summary review of the general principles of *social* morality.

18. General principles of social duties: to do good, not to do evil.—All human actions, in regard to others, may be reduced to these two precepts: 1, to do good to men; 2, not to do them harm. To this all the virtues of social morality may be reduced. But before exhibiting these virtues and vices more in detail, let us explain what is understood by the expressions *to do good* and *to do evil*.

In the most general and apparent sense to do any one good would seem to be *to give him pleasure;* to do him harm, would seem to be *to give him pain.* Yet, is it always doing good to a person to procure him pleasure? and is it always doing him harm, to cause him pain? For example, Kant* says, "Shall we allow the idler soft cushions; the drunkard wines in abundance; the rogue an agreeable face and manners, to deceive more easily; the violent man audacity and a good fist?" Would it really be doing good to these men to grant them the object of their desires, what may satisfy their passions? On the other hand, the surgeon who amputates a mortified limb, the dentist who pulls out a bad tooth, the teacher who obliges you to learn, the father who corrects your faults or restrains your passions, do they really do you harm because they give you pain? No, certainly not. There are, then, cases where to do some one good is to cause him pain, and to do him harm is to procure him pleasure.

One may reasonably reduce all principles of social morality to these two maxims of the gospel: "Do not do to others what

* Kant, *Doctrine de la vertu.* French translation of J. Barni, p. 171.

you do not wish them do to you;"—"Do to others as you wish to be done by." These two maxims are admirable, certainly; but they must be interpreted rightly. If, for instance, we have done wrong, do we generally wish to be corrected and punished? When we are yielding to a passion, do we wish to be repressed in it, have it repelled? On the contrary, do we not rather wish to be allowed to enjoy it, and have the free range of our vices? Is not this generally what we all wish, when the voice of duty is mute and does not silence our passionate feelings? If this is so, should we wish to do to others as we wish in similar circumstances, namely, in the gratification of passions, to be done by? Should we not rather do to them what we should not like them do to us, that is, punish and correct them? It is evidently not in that sense we are to understand the two evangelical maxims; for they would be then no other than maxims of remissness and improper kindness; whilst they, on the contrary, express most admirably a moral truth; only when they speak of what we wish, they mean a *true* and *good* wish, not the desires of passion; the same when we recommend men to do good, we mean real good and not apparent good; as also in recommending to do no harm, we mean real harm, not the illusory harm of the senses, imagination and passions.

Thus, to well understand the duties we have to fulfil towards other men, we must understand the distinction between *true good* and *false good.* False good is that which consists exclusively in pleasure, all abstraction being made of usefulness or moral value; as, for example, the pleasures of passions. True good is that which independently of pleasure recommends itself either through usefulness or through moral value; as, for instance, health or education. The real evils, of course, are those which injure either the interests of others or their moral dignity, such as misery or corruption. Apparent evils are those which cause us to suffer but a moment and redeem themselves by subsequent advantages: as, for instance, remedies or chastisements.

When we speak of good in regard to others, we should not fear to understand by that their interest, as well as their moral welfare; for, though we should not make our own interest the aim of our actions, it is not so in our relation with others. The seeking of our own happiness has no moral value; but the seeking of other people's happiness may have one, provided, we repeat, that we do not deceive ourselves touching the real sense of the word *happiness*, and that we do not understand by it a deceitful and short-lived delight.

"To do to others *as we wish* to be done by; not to do to them what we do *not wish* they should do us," should, therefore, be understood in the sense of an *enlightened* will, which wills for itself nothing but what is truly conformable either to a proper interest or to virtue. Thus understood (and it is their true sense*), these two maxims comprehend perfectly the whole of social morality.

19. Different degrees of this double obligation.—The sense of these two expressions, to do good and to do harm, being now well-defined, let us examine the various cases which may present themselves, in rising, so to say, from the lowest to the highest round of duty. Let us first suppose a certain good or a certain evil, which will not vary in any of the following cases: this is the scale one may observe starting from the least virtue, to which corresponds evidently the greatest vice (by virtue of the principle set forth above†), to rise to the highest virtue, to which the least vice corresponds.

1. *Not to return evil for good.*—This is, one may say (all things being equal), the feeblest of the virtues, as to return evil for good constitutes the greatest of wrongs. Say, for example, homicide: is it not evident that the murder of a benefactor is the most abominable of all? that to rob a benefactor is the most horrible of robberies? that the slander of a benefactor is the most criminal of slanders? On the other

* Kant is wrong in rejecting these two maxims, interpreting them in the sense we have just refuted.

† Chapter I., page 22.

hand again, not to kill, not to steal, not to slander, not to deceive a benefactor, is the minimum of moral virtue. To abstain from doing harm to him who has done you good, is a wholly negative virtue, which is simply the absence of a crime. We cannot call that gratitude, for gratitude is a positive virtue, not a negative one; it is all in action, and not in omission; but, before being grateful, the first condition at least, is to be not ungrateful. We shall then say that the greatest of crimes is *ingratitude*. It is by reason of this principle that the crimes towards parents are the most odious of all; for we have no greater benefactors than our parents, and without mentioning the crimes nature finds repugnant enough, it is evident that the same kind of harm (wounds, blows, insults, negligence, etc.) will always be more blamable when done to parents than to any other benefactors, and to benefactors in general, than to any other men.

2. *Not to do harm to those who have not done us any.*—The violation of this maxim is the second degree of crime and of sin, somewhat less serious than the preceding one, but still odious enough that to abstain from it is, in many cases, a rather feeble virtue. Not to kill, not to steal, not to deceive, not to expose one's self to the punishments of the law, are, indeed, of a very feeble moral value; whilst their contraries constitute the basest and most odious of actions.

The kind of vice which injures others without provocation is what is called *injustice*, and when the pleasure of doing wrong is joined thereto, it is called *cruelty*. Cruelty is an injustice which rejoices in the harm done to others; injustice contents itself with taking advantage of it. There is, therefore, a higher degree of evil in cruelty than in injustice pure and simple.

The virtue opposed to injustice is *justice*, which has two degrees and two forms: the one negative, which consists simply in abstaining from doing *injury to any one;* the second positive, which consists in *rendering to each his due*. This second form of justice is more difficult than the first, for it is

active. It is more difficult to restore to others what we hold as our own, or to pay one's debts, than to abstain from stealing; it is more difficult to speak well of one's rivals, than to abstain from slandering them; it is more difficult to give up one's position to another who deserves it, than to abstain from taking his; and yet there are cases where justice requires one should act instead of simply abstaining.

3. *Not to return evil for evil.* — Here we rise, in some respect, a degree in the moral scale. The two inferior degrees, namely, ingratitude and cruelty, have always and everywhere been considered as crimes. Nowhere has it ever been considered allowable to do harm to those who have done us good. But in nearly all societies, at a certain degree of civilization, has it been considered allowable, and even praiseworthy, to return evil for evil. "To do good to our friends, and harm to our enemies," is one of the maxims the poets and sages of Greece oftenest repeat. Among the Indians of America, glory consists in ornamenting one's dwelling with the greatest possible number of scalps taken from conquered enemies. We know about the Corsican *vendetta*. In one word, the passion of revenge (which consists precisely in returning evil for evil) is one of the most natural and the most profound in the human heart, and it demands a very advanced moral education to comprehend that revenge is contrary to the laws of morality. Now, as the beauty of virtue is in proportion to the difficulty of the passions to be overcome, it is evident that the virtues contrary to revenge, namely: *gentleness, clemency, pardon of injuries*, are amongst the most beautiful and most sublime. Already among the ancients had morality reached this maxim, that one should not do any harm, namely, even to those who had done us some, as may be seen from the dialogue of Plato, entitled the *Crito*. "*Socrates:* One should then commit no injustice whatsoever?" "*Crito:* No, certainly not." "*Socrates:* Then should one not be unjust even towards those who are unjust towards us."

4. Thus far we have only spoken of the virtues which ex-

press themselves negatively, and which consist especially in doing no harm. Let us now consider those which express themselves affirmatively, and which consist in doing good. The first degree is to return *good for good:* which is gratitude, the contrary of which, as we have seen, is ingratitude; but there are two sorts of ingratitude, as there are two sorts of gratitude. There is a negative ingratitude, as there is a positive ingratitude. The positive ingratitude, which is, as we have seen, the most odious of all crimes, consists in returning evil for good; negative ingratitude consists simply in not returning good for good, namely, in forgetting a kindness. It is not so reprehensible as the former, but it has still a certain character of baseness. Gratitude is also twofold in its degrees and forms: it is negative, inasmuch as it abstains from injuring a benefactor;* it is positive, inasmuch as it returns good for good. In one sense, gratitude is a part of justice, for it consists in returning to a benefactor what is due him; but it is also a notable part, and one which deserves being pointed out, for it seems that there is nothing easier than to return good for good; and experience, on the contrary, teaches us that there is nothing more rare. [This is certainly too strongly put.]

5. *To do good to those who have done us neither good nor harm.* This is what is called charity, which is a degree above the preceding, for in the preceding case we scarcely do more than give back what we have received; in this case we put in something of our own. But to characterize this new degree of virtue, it is necessary to well explain that the question relates to a good *that is not due.* For justice, we have seen, does not always mean to abstain from evil; it even does good

* It would seem here that negative gratitude becomes confounded with negative ingratitude; the one doing no harm, the other doing no good; it would seem as one and the same condition, wherein neither harm nor good is done; but the distinction exists nevertheless; for the question, on the one hand, is to do no harm when tempted to do some, and on the other, not to do any good when there is an occasion for it. For example, he who despoils others, but abstains before his benefactor, experiences a certain degree of gratitude, and he who does good to his friends and flatterers around him, and does not do any to his benefactor, is already ungrateful.

sometimes. To restore a trust to one not expecting it; to do good to him who deserves it; to elect to a position one worthy of it; or, what is still more heroic, to give one's own position up to him, this evidently is doing good to others, and to those who have not done us any; but these are goods *due*, which already belong in some respects to those upon whom we confer them. It is not so with the goods which charity distributes. The gifts I make to the poor, the consolations I give to the afflicted, the care I bestow upon the sick, all of which take from my time, my interests, and my life which I endanger to save a fellow-being, are also goods which are my own and not his. I do not return to him what he would otherwise legitimately possess, whether he knows it or not. I give him something of my own; it is a pure *gift*. This gift is suggested to me by love, not by justice. The contrary of charity or devotion to others is *selfishness*.

Finally, there is a last degree above all other preceding degrees, namely, *to return good for evil*. This kind of virtue, the highest of all, has no particular name in the language. Charity, in fact, consists in doing good generally, and comprises the two degrees: to do good to the unfortunate, and return good for evil. Clemency may consist in simply pardoning; it does not necessarily go so far as to return good for evil.

Corneille might as well have called his tragedy of Cinna, the Clemency of Augustus, even if Augustus had merely pardoned Cinna, and not added: "Let us be friends!" Thus has this great and magnificent virtue no name, and as science is powerless in creating words suitable for every-day language, it must rest satisfied with periphrases. Nevertheless, this sublime virtue finds nowhere a grander expression than in those maxims of the Gospel: "You have been told that it was said: Thou shalt love thy neighbor and hate thy enemy: But I say to you: Love your enemies; do good to those that hate you, and pray for those that despitefully use you and persecute you."

20. Different kinds of social duties.—After the preceding division, which answers to the different degrees of obligation which may exist among men, there is another classification which rests on the various *species* or *kinds* of duties which we may have to perform towards our fellow-beings. Let us first briefly state what will be developed at greater length in the following chapters.

1. *Duties relating to the life of others.*—According to the two maxims cited above, these duties are of two kinds: 1, not to attempt the life of others; 2, to make efforts to save the life of others. All attempt at the life of others is called *homicide.* When accompanied by perfidy or treason, it is *assassination.* The murder of parents by children is called *parricide;* of children by parents (especially at the tenderest age), *infanticide;* of brothers by brothers, *fratricide.* All these crimes are most odious, and most repugnant to the human heart. Murder is never permitted, even when the highest interest and the greatest good is at stake. Thus did the ancients err in believing that the murder of a tyrant, or *tyrannicide*, was not only legitimate, but also honorable and beautiful. However, there is to be excepted the case of *legitimate self-defense;* for we cannot be forbidden to defend ourselves against him who wishes to deprive us of life. But the *duel* should not be considered an act of legitimate self-defense: that is evident in the case of the aggressor; and, on the other side, there is only the defense that there has been the consent to be put in peril. As to the question whether an attack on honor is not equivalent to an attack on life, it cannot be said that it is false in all cases; but the abuse of the thing is here so near the principle, that it is wiser to condemn altogether a barbarous practice, of which so deplorable an abuse has been made. Finally, homicide in war, within the conditions authorized by international law, is considered a case of legitimate self-defense.*

* These questions will be examined more in detail in the next chapter.

If murder is the most criminal of actions, and the most revolting to our sensibilities, the action, on the contrary, which consists in *saving the life* of others is the most beautiful of all. "The good shepherd gives his life for the sheep."

With the fundamental duty not to attempt the life of other men, is connected, as corollary, the duty not to injure them bodily by blows or wounds, or by dangerous violence done to their health, and, conversely, to assist them in illness.

2. *Duties relating to property.*—It is evident* that man cannot preserve his life and render it happy and comfortable without a certain number of material objects which are his. The legitimate possession of these goods is what is called *property.*† The right of property rests in one respect on social utility, and in the other on human labor. On the one hand, society cannot subsist without a certain order that settles for each what is *his own;* on the other, it is but right that each should be the proprietor of what he has earned by his work; the right of possession carries with it the right of economizing, and, consequently, the right of forming a *capital*, and, moreover, the right of using this capital in making it bear *interest.* Again, the right of preserving implies also the right of *transmission;* hence the legitimacy of *inheritance.*

Property once founded upon law, it becomes our duty not to transgress the law. The act of taking what belongs to another is called *theft.* Theft is absolutely forbidden by the moral law, whatever name it may assume, or under whatever prestige it may present itself. "Thou shalt not steal." Theft does not consist merely in putting one's hand into a neighbor's pocket; it includes all possible ways whereby the property of others may be appropriated. For example, to *defraud* in regard to the quality of the thing sold; to practice illegal *stock-jobbing;* to convert to one's own use a *deposit* entrusted

* See chapter IV.

† Lawyers make a distinction between *possession* and *property.* The first consists simply in having the object in use; the second, in enjoying its exclusive use, even if the object were not naturally in one's hands.

to one's care; to borrow without knowing whether one can pay, and after having borrowed, to disown the debt, or refuse to pay it; there are as many forms of theft as there are ways of appropriating the property of others.

Regarding the property of others, the negative duty then consists in not taking what belongs to others. The positive duty consists in assisting others with one's own property, in relieving their misery. This is called *benevolence*, which benevolence may be exercised in various ways, either by *gift*, or by *loan*. It may also be exercised in *kind*, that is in giving to others the objects necessary to their maintenance or support, or in money, that is, in furnishing them the means of procuring them; or in *work*, which is the best of all gifts; for in thus relieving others we procure them the means of helping themselves.

With the duty relating to the property of others, are connected as corollaries, the duties relating to the observance of agreements or contracts; the transmission of property in society being not always done from hand to hand, but by means of promises and writings. To fail in keeping one's promise, to pervert the sense of solemn contracts, is, on the one side, to appropriate other people's property, and on the other, to lie and deceive, and thus to fail in a double duty.

3. *Duties relating to the families of others.*—We have seen above what are the duties of man in his family; there remains to be said a few words touching the duties towards the families of others. One may fail in these duties either by violating the conjugal bond, which is *adultery;* or by carrying off other people's children, which is *abduction*, or by depraving them through bad advice or bad examples, which is *corruption.*

4. *Duties relating to the honor of others.*—One may fail in these duties, either by saying to a man (who does not deserve it), wounding and rude things to his face, which are *insults*, or in speaking ill of others; and here we distinguish two degrees: if what is said is true, it is *backbiting;* if what is said

is false and an invention, it is *slander*. In general one must not too easily ascribe evil to other men; this kind of defect is what is called *rash judgments*.

The *positive* duty respecting other people's reputation is to be just towards every one, even towards one's enemies; to speak well of them if they deserve it, and even of those who speak ill of us. It is a duty to entertain a kindly disposition towards men in general, provided this does not go so far as to wink at wrong. In our relations with our neighbors, usage of the world has, in order to avoid quarrels and insults, introduced what is called *politeness*, which, for being a worldly virtue, is not the less a necessary virtue in the order of society.

5. *Duties towards the liberty of others.*—These are rather the duties of the State than of the individual. They consist in respecting in others the liberty of conscience, the liberty of labor, individual liberty, personal responsibility, all of which are the *natural rights* of man. However, private individuals may themselves also fail in this kind of duties. The violation of the liberty of conscience is called *intolerance;* it consists either in employing force to constrain the consciences, or in imputing bad morals or bad motives to those who do not think as we do. The virtue opposed to intolerance is *tolerance*, a disposition of the soul which consists, not in approving what we think false, but in respecting in others what we wish they should respect in us, namely, conscience. One may also violate individual liberty, the liberty of labor, in keeping one's fellow-beings in *slavery;* but slavery is rather a social institution than an individual act. However, there may be cases where one may seek to injure other people's work, in restraining others by threats from work; which, for example, takes sometimes place in workmen's strikes. There is also a certain way of domineering over the freedom of others without restraining it materially, which constitutes real *tyranny;* it is the dominion which a strong will exercises over a feeble will, and of which it too often is tempted to take advantage.

On the contrary, it is a duty, not only to respect the liberty of others, but also to encourage it, to develop it, to enlighten it through education.

6. *Duties relating to friendship.*—All the preceding duties are the same towards all men. There are others which concern more particularly certain men, those, for example, to whom we are attached either by congeniality of disposition or uniformity of occupation, or a common education, etc., those, namely, whom we call *friends.* The duties relating to friendship are: 1, to choose well one's friends; to choose the honest, and enlightened, in order to find in their society encouragement to right-doing. Nothing more dangerous than pleasure-friends or interested friends, united by vices and passions, instead of being united by wisdom and virtue; 2, the friends once chosen, the reciprocal duty is *fidelity.* They should treat each other with perfect *equality* and with *confidence.* They owe each other *secrecy* when they mutually entrust their dearest interests; they owe each other *self-devotion* when they need each other's help. Finally, they owe to each other in a more strict and rigorous a sense, all they generally owe to other men, for the faults or crimes against humanity in general assume a still more odious character when against friends.

21. Professional duties and civic duties.—Such are the general duties of men in relation to each other, when simply viewed as men. But these duties become diversified and specialized according as we view man either in the light of the private functions he fills in society, which are his *professional* duties, or in the light of the particular society of which he is a member, and which is called the *State* or the country, and these are the *civic* duties. (See chapters xii. and xiii.)

22. Distinction between the duties of justice and the duties of charity.—We have said above that all the social duties could be reduced to these two maxims: "Do not do unto others what you do not wish they should do to you. Do to others as you wish to be done by." These two maxims

correspond with what is called: 1, the duties of *justice;* 2, the duties of *charity.*

The first consists in not doing wrong, or at least in repairing the wrong already done. Charity consists in doing good, or at least in giving to others what is not really their due. A celebrated writer* has made a very subtle and forcible distinction between these two virtues:

"The respect for the rights of others is called justice. All violation of any right whatsoever is an injustice. The greatest of injustices, since it comprises all, is slavery. Slavery is the subjugation of all the faculties of a man for the benefit of another. Moral personality should be respected in you as well as in me, and for the same reason. In regard to myself it has imposed a duty on me; in you it becomes the foundation of a right, and imposes thereby, relatively to you, a new duty on me. I owe you the truth as I owe it to myself, and it is my strict duty to respect the development of your intelligence and not arrest its progress towards the truth. I must also respect your liberty; perhaps even I owe it to you more than I do to myself, for I have not always the right to prevent you from making a mistake.

"I must respect you in your affections, which are a part of yourself; and of all the affections none are more holy than those of the family. To violate the conjugal and paternal right is to violate what a person holds most sacred.

"I owe respect to your body, inasmuch as belonging to you, it is the instrument of your personality. I have neither the right to kill you nor to wound you, unless in self-defense.

"I owe respect to your property, for it is the product of your labor; I owe respect to your labor, which is your very liberty in action; and if your property comes from inheritance, I owe respect to the free will which has transmitted it to you.

* Victor Cousin, *The True, the Beautiful, and the Good* (lectures xxi. and xxii.).

"Justice, that is, the respect for the person in all that constitutes his personality, is the first duty of man towards his fellow-man. Is this duty the only one?

"When we have respected the person of others, when we have neither put a restraint upon their liberty, nor smothered their intelligence, nor maltreated their body, nor interfered with their family rights nor their property, can we say that we have fulfilled towards them all moral duties? A wretch is here suffering before us. Is our conscience satisfied if we can assure ourselves that we have not contributed to his sufferings? No; something tells us that it would be well if we should give him bread, help, consolation; and yet this man in pain, who, perhaps, is going to die, has not the least right to the least part of our fortune, were this fortune ever so great; and if he were to use violence to take a farthing from us, he would commit a crime. We shall meet here a new order of duties which do not correspond to rights. Man, we have seen, may resort to force to have his rights respected, but he cannot impose on another a sacrifice, whatever that may be. Justice *respects* or *restores:* charity *gives*.

"One cannot say that to be charitable is not obligatory; but this obligation is by no means as precise and as inflexible as justice. Charity implies sacrifice. Now, who will furnish the rule for sacrifice, the formula for self-renunciation? For justice, the formula is clear: to respect the rights of others. But charity knows neither rule nor limits. It is above all obligation. Its beauty is precisely in its liberty."

It follows from these considerations that justice is absolute, without restriction, without exception. Charity, whilst it is as obligatory as justice, is more independent in its applications; it chooses its place and its time, considers its objects and means. In a word, as Victor Cousin says, "its beauty is in its liberty."

Let us not hesitate to borrow from the Apostle St. Paul his admirable exaltation of charity:

"Though I speak with the tongues of men and of angels, and

have not charity, I am become as sounding brass or a tinkling cymbal."

"And though I have the gift of prophecy, and understand all mysteries, and all knowledge, and though I have all faith, so that I could remove mountains, and have not charity, I am nothing."*

"And though I bestowed all my goods to feed the poor, and though I give my body to be burned, and have not charity, it profiteth me nothing."

"Charity suffereth long, and is kind; charity envieth not; charity vaunteth not itself; is not puffed up."

"Doth not behave itself unseemely; seeketh not her own; is not easily provoked; thinketh no evil."

"Beareth all things; believeth all things; endureth all things."†

* Which is to say that the acts are nothing if the heart is absent.

† St. Paul, 1 Cor., xiii., 1-7.

CHAPTER III.

DUTIES OF JUSTICE—DUTIES TOWARDS HUMAN LIFE.

SUMMARY.

Division of the duties of justice.—Four kinds of duties : 1, towards the life of others ; 2, towards the liberty of others ; 3, towards the honor of others ; 4, towards the property of others.

Duties towards human life.—Avoid homicide, acts of violence, and mutilation. Pascal and the *Provinciales.*

The right of self-defense.—Right to oppose force to force. Limits of this right.

Problems.—Four very grave problems are bound up in the question of self-defense : 1, the penalty of death ; 2, political assassination ; 3, the duel ; 4, war.

The penalty of death.—The penalty of death is the right of self-defense exercised by society : it is just so far as it is efficacious.

Political assassination.—Murder is always a crime, under whatever pretext it may conceal itself.

The duel.—The duel is at the same time a *homicide* and a *suicide ;* it is falsely considered justice, since it appeals to chance and skill.

War.—War is the only mode of self-defense existing among nations ; it is desirable for the sake of humanity that it may some day disappear ; but humanity cannot now exact this sacrifice of the country.

23. Division of social duties.—According to the foregoing distinctions, we will first divide duties into *duties of justice* and *duties of charity.*

Let us begin by expounding the duties of justice.

These duties may be summed up in a general manner in *the respect for the person of others*, and for all that is necessary

for the preservation and development of that person. Hence four kinds of duties:

1. Towards the life of other men.
2. Towards their liberty.
3. Towards their honor.
4. Towards their property.

Besides these duties, purely negative, which consist only in doing others no harm, there are also the duties of justice, which may be called *positive;* and which consist not only in not injuring others, but also in granting each what he has a right to. This is called *distributive* or *remunerative* justice, and is the duty of all those who have others under them, and who are commissioned to distribute rewards, titles, or functions.

24. Duties towards the life of men.—We have seen above that self-preservation is the duty of every one, and that one should not attempt one's own life, nor mutilate one's self, nor injure one's health. Now, all these obligations which we have towards ourselves, we have equally towards others; for that which each owes to himself, he owes it to his quality, as *man*, to his quality as a free and reasonable being, a *moral person*. It is, as Kant says, humanity itself that each one must respect in his own person; and it is also humanity which each must respect in others. We should not do to others what we do not wish that they should do to us, or what we should not wish to do to ourselves. Now, no one wishes others to attempt his life; no one should wish to attempt it himself. For the same reason he should not wish to attempt the life of others.

These are such self-evident considerations that it is useless to insist on them. Let us add that this duty rests, besides, on one of the most powerful instincts of humanity, the instinct of sympathy for other men, the horror of their sufferings, the horror of spilt blood. Those who are wanting in this sentiment are like monsters in the midst of humanity.

One of the corollaries of this principle is to avoid the blows and wounds which might, through imprudence and unex-

pectedly, cause death, and which, besides, are in themselves to be condemned, inasmuch as they contribute, if not towards destroying, at least towards mutilating, the person and rendering it unfitted to fulfil its duties and functions. In a word, to avoid scuffles, bodily quarrels, which are unworthy, moreover, from their very brutality, of a reasonable being; all this is comprised in the duty of avoiding homicide. All may be summed up in these words of the Decalogue: "*Thou shalt not kill.*"

Pascal, in his letter on homicide (xiv. *Provinciale*), expressed most eloquently the duty concerning the respect for human life:

"Everybody knows, my fathers, that individuals are never permitted to seek the death of any person, and that, even if a man should have ruined us, maimed us, burnt our houses, killed our parents, and was preparing to murder us, to rob us of our honor, that our seeking his death would not be listened to in a court of justice. So that it was necessary to establish public functionaries who seek it in the name of the king, or rather in the name of God. Suppose, then, these public functionaries should seek the death of him who has committed all these crimes, how would they proceed? Would they plunge the dagger in his breast at once? No; the life of man is too important; they would proceed with more consideration; the law has not left it subject to the decision of all sorts of people; but only to that of the judges, whose integrity and sufficiency have been ascertained. And think you that one alone is enough to condemn a man to death? No; there are at least seven required; and among these seven there must not be any one whom the criminal has in any way offended, for fear that his judgment be affected, or corrupted by anger. In short, they can judge him only upon the testimony of witnessses, and according to the other forms prescribed to them; in consequence of which they can conscientiously pronounce upon him only according to law, or judge worthy of death only those whom the law condemns."

After having thus expounded the innumerable precautions which society has taken, out of respect for human life, touching the persons of criminals, Pascal continues as follows:

"Behold in what way, in the order of justice, the life of man is dis-

posed of; let us see now how *you* dispose of it.* In your new laws there is but one judge, and this judge is the offended party. He is at the same time judge, accuser, and executioner. He seeks himself the death of his enemy; he commands it, he executes him on the spot; and, without respect for either the body or soul of his brother, he kills and damns him for whom Christ died; and all this to avenge an affront, or slander, or an insulting word, or other similar offences for which a judge, although clothed with legal authority, would be considered a criminal if he should condemn to death those who had committed them, because the laws themselves are very far from condemning them."

Finally, gathering into one word all the evils which homicide comprises, Pascal ends by saying "homicide is the only crime which at the same time destroys the State, the Church, nature, and piety."

25. The right of self-defense.—None of the foregoing principles would present the shadow of a difficulty to any except those who are nearer the brute than man, if it were not for an apparent exception to the rule, which is the *case of legitimate self-defense.* To understand properly the solution of this question, it is necessary to examine carefully the nature of the relations which bind men to each other.

Every man is a *moral person;* that is to say, a free being, and for that very reason inviolable in his dignity and in his rights. He is, as Kant says, an *end to himself*, and should not be treated as a *means.* The things of nature are to us but means to satisfy our wants; we may therefore mutilate and destroy them, not as our whims may dictate, but as our wants require. Thus can we cut the finest trees of a forest to make fire of, or for furniture. We even claim a similar right over animals, although it may, perhaps, not be so evident. But we have no such right over man. We can neither mutilate nor destroy him for our use.

And, in fact, to destroy or mutilate through sheer force a member of humanity, is to apply to him the law of compulsion, which is the law of physical nature, and which without reserve

* In the *Provinciales* this apostrophe is addressed to the Jesuits, whom Pascal accuses of loose maxims on the subject.

governs all physical phenomena : it is to make of man *a thing of nature*, to see in him the body only, and ignore the soul.

The consequence of such conduct is evident : it is that whosoever employs against another the law of compulsion means thereby that he does not recognize between himself and other men any other law but that. Treating them as if they were purely physical agents, he gives us thereby to understand that he recognizes himself, and expects to be treated, as such ; he means to take advantage of his strength as long as he is the strongest, but gives us to understand thereby that he is satisfied to submit to strength if he is the weaker.

It is here that the *right of self-defense* comes in. He who is violently attacked, has the right to oppose to violence just as much strength as there is employed against him. Otherwise, in allowing himself to be knocked down by strength, he would consent to the abasement, to the suppression of his own personality ; he would in some respect be the accomplice of the violence he is made to suffer. Some Christian sects, straining this point, go so far as to condemn absolutely the right of self-defense ; they do not see that this would infallibly bring with it the triumph of brute force, and the suppression of all justice. Such sects may, to a certain extent, manage to exist in civilized societies ; but the principle is self-destructive, since not to resist violence is in some respect to be its accomplice.

Yet, whilst admitting the right of self-defense, it is necessary to recognize its limits. "This agent," says M. Renouvier, "whom the right of self-defense treats as a brute, this being is a man, nevertheless, or has been one, or may become such. Hence the doctrine of conscience is to admit this right only when necessary, and not beyond what is necessary." (*Moral Science*, Ch. LVI.) This is, to begin with, a natural consequence of the duties towards one's self, since it is already a surrender of one's dignity to be obliged to act in the capacity of a physical agent, and renounce one's character of a moral person; it is also a duty towards humanity in general, which is

represented by every man, even the most violent and the most uncultivated.

26. Problems.—The right of legitimate self-defense gives rise to a certain number of problems relative to the law of homicide. M. Jules Simon* reduces them to five: homicide in case of self-defense, penalty of death, political assassination, duel, and war. In the first case it is implied in what precedes, that legitimate self-defense may go so far as to deprive another man of life; but only in case of absolute necessity.

There remain the four other cases, which are not all of the same order.

27. The penalty of death.—The penalty of death in these days has been very much contested, and several States have tried to abolish it.†

The following arguments are brought to bear against it:

1. *The inviolability of human life.*—The State, it is said, should not give the example of what it proscribes and punishes. Now, it punishes homicide; then it should not itself commit homicide.

2. The possible *mistakes*, which in all other cases can be corrected, but which in this case alone are irreparable.

3. *Experience*, which, it is said, tells against it in certain countries by proving that the number of crimes has not been increased by the suppression of the penalty of death.

4. Finally, the *refinement of manners*, which can no longer bear the idea of capital punishment.

No one of these arguments is wholly decisive.

1. The inviolability of human life is not an absolute thing, at least not for those who admit the right of legitimate self-defense. We shall examine this presently.

2. Judiciary mistakes are very rare, and will become more

* *Le Devoir.* Part iv., Ch. iii.

† In Tuscany the penalty of death was abolished in the eighteenth century by the Grand Duke Leopold. It was again established with the Grand Duchy's annexation to the Kingdom of Italy. In Switzerland, after being abolished by the Confederation, the penalty of death was finally left to be determined by each particular canton.

and more so, as justice becomes more respectful towards the rights of the accused, and through greater publicity, by the intervention of a jury, etc.

3. Experience is not so much of a test as it is said to be, and is often made on too small a scale. The attempts at abolition have not been very numerous. In Tuscany murders have always been very rare on account of the gentleness of manners. In Switzerland, on the contrary, crime is on the increase, and certain cantons have asked for a return to the death penalty. Besides, it is a very difficult experiment to make. How could a society as complicated as ours dare to trust its security to so hazardous an experiment?

4. The refinement of manners may gradually bring about, thanks to the institution of the jury, the diminution, perhaps some day the suppression, of the penalty of death, without its being necessary for the State to lay aside this powerful means of defense and intimidation.

The penalty of death, in fact, can be considered legitimate only in the light of the right of self-defense. If society needs this penalty to protect the life of its members, it may be said that it is authorized to use it, on the same ground as each individual to whom we have conceded the right to repel force by force, and to deprive of his own life one who should threaten to take *his* life.

But, it will be objected, the right of self-defense, when ending in homicide, is justifiable only at the moment of the attack, and to ward off a sudden aggression itself threatening murder; but the deed once committed and the criminal in the hands of the law, there is no reason to fear a new aggression from him, and his chances of escape from justice through evasion are too few to justify the violation of a duty so absolute as the respect for human life.

It may be answered that society, by the death penalty, not only defends itself against the criminal himself, but against all those who might be inclined to imitate him. The penalty of death is above all a precautionary means of defense, that

is to say, a means of intimidation. The future criminal is warned beforehand of the risks he runs; he accepts voluntarily the punishment he will incur. If society should catch him in the act—*flagrante delicto*—it would certainly, in order to prevent the crime, since it is the representative of all individuals, have the same rights as the individual of defending himself. But the difficulty of seizing upon the criminal at the moment of commission, can it be considered a circumstance in favor of the criminal, and does society lose its right, because, through the skill and precautions of assassins, it can but very rarely, and scarcely ever, catch them in the act?

The right of society to defend itself by the death penalty does not seem to us, then, to admit any doubt. The whole question is to know whether such a means of defense is really necessary and efficacious. It is, as as we have said, a question of experience which it is very difficult to settle, for the reason that we dare not make the experiment. All that can be said is that, as a principle, every man fears death; it is the greatest of fears. There is, therefore, reason to believe that it is the most powerful of the means of intimidation. Besides, it is known that professional criminals estimate with great accuracy offenses and crimes proportionably to their penalties. Thus, those who steal know that they expose themselves to such or such punishment, but they go no farther in order not to incur a more severe punishment; for these the penalty of death is certainly a great item in their plans, and it would be dangerous to relieve them of this menace.

We do not mean to say that in future society may not reach a state of organization strong and enlightened enough to be able to do without such means; but in the present state of things we should consider the attempt to abolish them dangerous for society.

28. Of political assassination.—Concerning this pretended right, so shockingly promulgated in these days by

savage factions, we cannot do better than quote the words of M. Jules Simon in his book on *Duty:*

"Political assassination," he says, "is essentially worthy of condemnation from whichever side one looks at it. It has the same origin as the penalty of death, with this double difference that, in the application of the penalty of death, it is the State that pronounces the sentence conformably to the law, whilst in political assassination it is the same man who makes the law, pronounces the sentence, and executes it. Now, society, though badly constituted, and the law, though bad, are nevertheless a guaranty, whilst there is none at all against the caprice, passion or false judgment of a single individual. Besides, the legitimacy of the penalty of death is connected with the legitimacy of the power that pronounces it, and the uniformity of the law. Let some tyrannical authority cause a man to be shot at the corner of a street, without form of legal process, that cannot be called penalty of death; it is called murder; and even when the victim should have deserved his death, the government would not be the less criminal for having executed him without trial. If these principles are just, how can we admit the theory of political assassination, which allows the destiny of all to depend upon the conscience of a single individual. We reflect so little upon the rights of men that there are those who will condemn the death penalty and yet approve of political assassination. We judge so badly, that under the Restoration a monument was erected to Georges Cadoudal, and we hear every day the eulogy of Charlotte Corday. The guiltiness of the victim does not legitimate the act of the murderer. It is both unwise and criminal to furnish hatred with such excuses."

29. The duel.—Does the duel come under the head of legitimate self-defense? No; whatever custom and prejudice may say in its favor.

1. We must first lay aside without discussion all duels bearing on frivolous causes, and they are the largest in number.

2. In many other cases reparation may be obtained through the law, and prejudice alone can prevent having recourse to it. If I am willing to have recourse to law in a case of robbery, why should I not appeal to this same law when my honor is attacked?

3. The duel is an absurd form of justice, because it puts

the offender and the one offended on the same level. It is not the guilty one that is punished; it is the awkward one.

4. Social justice has degrees of penalty in proportion to the gravity of the offense, and is applied only after a very severe examination. The aim of the duel is to apply to very unequal offenses one and the same penalty, death (Jules Simon, *Le Devoir*, IV.), or if there are any degrees, since it does not always result in death, these degrees are the effect of chance. Finally, if in a duel the parties agree to use skill enough to hurt each other as little as possible, is it not as if they confessed to the injustice and insanity of the proceeding?

5. The duel had its origin in superstition: in the *Combat of God*, in the belief, namely, that God himself would arbitrate by means of the combat, and give the victory to the innocent and strike the guilty.

6. The duel is a homicide or a suicide. It is, therefore, contrary to the duty towards others and the duty towards ourselves. Finally, the duel is contrary to the duty towards society, which forbids each to be his own judge.

J. J. Rousseau, in the *Nouvelle Héloïse*, has written on the duel and suicide (see further on, Chapter xi.,) a letter often quoted, of which we will briefly give the principal passages.

1. One must distinguish between real honor and apparent honor:

> What is there in common between the glory of killing a man and the testimony of a righteous soul? What hold can the vain opinion of others have upon true honor, the roots of which are in the depths of the heart? What! the lies of a slanderer can destroy real virtues? Do the insults of a drunkard prove that one deserves them? And can the honor of a sensible man be at the mercy of the first ruffian he meets?

2. The use of force cannot be a title to virtue:

> Will you tell me that one must show courage, and that courage suffices to efface the shame and reproach of all other vices? In this case a rogue would have but to fight a duel to cease to be a rogue; the words of a liar would become true if maintained at the point of a sword; and if you were charged with having killed a man, you would go and kill a

second one to prove that the charge is not true. Thus, virtue, vice, honor, infamy, truth, falsehood, all derive their being from the event of a fight; a fencing-hall becomes the seat of all justice; might makes right.

3. Antiquity, so rich in heroes and great characters, knew nothing of the duel. There may then exist societies civilized and refined where a man may defend his honor without having to resort to the duel. This is a remarkably striking argument:*

Did ever the valiant men of antiquity think of avenging their personal insults by single combats? Did Cæsar send a challenge to Cato, or Pompey to Cæsar? "Other times, other manners," you'll say, I know, but true honor does not vary; it does not depend on times or places or prejudices; it can neither pass away nor be born again; it has its eternal source in the heart of the just man and in the unalterable rule of his duties. If the most enlightened, the bravest, the most virtuous nations of the earth knew nothing of the duel, I say that it is not an institution of honor, but rather a frightful and barbarous fashion worthy of its savage origin.

4. It is not true that a man of honor incurs contempt by refusing a duel:

The righteous man whose whole life is pure, who never gave any sign of cowardice, will refuse to stain his hand by a homicide, and will be only the more honored for it. Always ready to serve his country, to protect the feeble, to fulfil the most dangerous duties, and defend in all just and honest encounters, and at the price of his blood, what he holds dear, he will reveal in all his transactions that resolute firmness which always accompanies true courage. In the security of his conscience he walks with head erect; he neither flies from nor seeks his enemy; one can easily see that he fears less to die than to do wrong, and that it is not danger he shuns, but crime.

30. War.—War is the most serious and the most solemn exception to the law which forbids homicide. Not only does

* It answers the frequent assertion that the courtesy and regards which men owe each other reciprocally, would soon disappear if they were not protected by the resource of the duel.

it permit homicide, but it commands it. The means thereto are prepared in public; the art of practicing them is a branch of education, and it is glorious to destroy as many enemies as possible.

One cannot fail to see the sad side of war, and how contrary it is to the ideal tendencies of modern society. It is still to be hoped that there will come a time when nations will find a more rational and more humane means of conciliating their differences. But there is no indication of this good time as yet, nor even that it is near, and it is necessary to guard against a false philanthropy, which would imperil the sacred rights of patriotism.

The problem of war in itself belongs rather to the law of nations than to morality properly so called. It will be in studying later the relations of the nations between each other that we shall have to establish as a rule that the right of self-defense exists for them as well as for the individual. The only question in a moral point of view is to know whether the individual, by the sole fact of the order of society, is released from the duty imposed on him not to shed blood. Some religious sects in the early times of Christianity, others in modern times in England and in America (the Quakers), believe that the interdiction of homicide is an absolute thing; they claim the right to be exempt from military duty. The State, of course, never recognized the legitimacy of such a scruple, which would prevent all social subordination and deprive the defense of the country of all its strength. But neither does morality recognize such a right. As a part of a society which is commissioned to defend us, and which can do so only by using force, it is evident that each one should share in the acts by which it undertakes to defend us. For how can malefactors be prosecuted without employing force? The same may be asked as to enemies from without. Now, as society defends every one equally, it cannot make any exception in favor of such or such scruple. It can grant exemp-

tions, but cannot admit that each should exempt himself by the scruples of his conscience.

Certainly it ought not to be maintained that any order given by society releases the individual conscience from all consideration. But obedience to the law is the foundation of social order, and co-operation in the public defense is a duty of absolute necessity. Of course one assumes in this view implicitly the legitimacy of war; but this question will be treated later on by itself, and in accordance with the reasons belonging to it.

CHAPTER IV.

DUTIES CONCERNING THE PROPERTY OF OTHERS.

SUMMARY.

Of property.—Its fundamental principle ; work sanctioned by law. Communistic Utopia.—Inequality of wealth : it is founded on nature, but should not be aggravated by the law.—Different forms of the rights of property : *loans, trusts, things lost, sales, property properly so called.*

Loan.—Is it a duty to loan ?—The *interest* of money.—The question of usury.—Duties of *creditor* and *debtor.*—*Failures* and *bankruptcies.*—The commodate or things loaned for use.

Trust.—Duties of the *depositary* and the *deponent.*

Of the possession in good faith.—*The thing lost.*

Sales.—Obligations of *seller* and *buyer.*

Of property in general.—Violation of property or *theft.*—The elements which constitute theft.—*Simple* thefts and *qualified* thefts.—*Abuse of confidence, swindling.*—Restitution.

Promises and contracts.—Differences between these two facts.—Strict obligation to keep one's promises : rare exceptions (practical impossibility, illicit promises, etc.)—Different *kinds* of contracts.—*Conditions* of the contract : consent, capacity of contracting parties, a real object, a licit cause.—Rules for the formation of contracts.—Rules for the interpretation of contracts.

The immediate consequence of the right of self-preservation which each has, etc., implies the *right of property.*

31. Property.—What is property ? What is its origin and principle ? What objections has it raised ? What moral and

social reasons justify it, rendering its maintenance both sacred and necessary?

"Property," says the civil code, "is the right to enjoy and dispose of things in the most absolute manner, provided no use is made of them prohibited by the laws or the rules." (Art. 544.)

"The right of property," says the Constitution of '93, "is that which belongs to every citizen: to enjoy, and dispose at will of his property, his income, of the fruit of his labor and industry." (Art. 8.)

These are the judicial and political definitions of property. Philosophically, it may be said, that it is the right each man has to make something *his own*, that is to say, to attribute to himself the *exclusive* right to enjoy something outside of himself.

We must distinguish between *possession* and *property*. Possession is nothing else than *actual custody:* I may have in my hands an object that is not mine, which has either been loaned to me, or which I may have found; this does not make me its proprietor. Property is the right I have to exclude all others from the use of a thing, even if I should not be in actual possession of it.

32. Origin and fundamental principle of property.—The first property is that of my own body, but thus far it is nothing else than what may be called corporeal liberty. How do we go beyond that? How do we extend this primitive right over things which are outside of ourselves?

Let us first remark that this right of appropriating external things rests on necessity and on the laws of organized beings. It is evident, in fact, that life cannot be preserved otherwise than by a perpetual exchange between the parts of the living body and the particles of the surrounding bodies. Nutrition is *assimilation*, and, consequently, *appropriation*. It is, then, necessary that certain things of the external world should become *mine*, otherwise life is impossible.

Property is then *necessary;* let us now see by what means it becomes legitimate.

Property has been given several origins: *occupation, law, work.* According to some, property has for its fundamental principle the *right of the first occupant.* It is said that man has the right of appropriating a thing not in possession of some one else; the same as at the theatre, the spectator who comes first has the right to take the best place. (Cicero.) So be it; but at the theatre I occupy only the place occupied by my own body; I have not the right to appropriate the whole theatre, or even the pit. It is the same with the right of the first occupant. I have certainly a right to the place my own body would occupy, but no further: for where would my right then stop?

"Will the setting one's foot," says J. J. Rousseau, "on a piece of common ground be sufficient to declare one's self at once the master of it? When Nunez Balboa took on landing possession of the Southern Sea, and of the whole of Southern America in the name of the Crown of Castile, was that enough to exclude from it all the princes of the world? At that rate the Catholic king had but to take all at once possession in his study of the whole universe, relying upon subsequently striking off from his empire what before was in possession of the other princes." (Contrat social, liv. 1er, Ch. ix.)

The law.—If occupation of itself alone is insufficient in founding the right of property, will it not become legitimate by adding to it *convention*—that is to say, the *law?* Property, we have seen, is necessary; but if every one is free to appropriate to himself what he needs, it becomes anarchy; it is, as Hobbes said, "the war of all against all." It is necessary that the law should fix the property of each in the interest of all. Property, under this new hypothesis, would then mean the part which public authority has fixed or recognized, whether we admit a primitive division made by a magistrate, or a primitive occupation more or less due to chance, but consecrated by law.

Certainly, the reason of social utility plays a great part in the establishment and consecration of property; and it would be absurd not to take this consideration into account. Cer-

tainly, even if property were but a fact consecrated by time, by necessity, and by law, it would already by that alone have a very great authority; but we believe that that is not saying enough. Property is not only a *consecrated fact*, it is also a *right*. It finds in the law its *guaranty*, but not its *foundation*.

The true principle of property is *work;* and property becomes blended with liberty itself: "*liberty* and *property*," say the English.

Work.—If all the things man has need of were in unlimited number, and if they could be acquired without effort, there would be no property. This, for example, takes place in the case of the atmosphere, of which we all have need, but which belongs to no one. But if the question is of things that cannot be *acquired* except by a certain effort (as in the case of animals running wild), or even that can be *produced* only by human effort (as a harvest in a barren ground), these things belong by right to him who conquers them or brings them about.

"I take wild wheat into my hand, I sow it in soil I have dug, and I wait for the earth, aided by rain and sunshine, to do its work. Is the growing crop my property? Where would it be without me? I created it. Who can deny it? . . . This earth was worth nothing and produced nothing: I dug the soil; I brought from a distance friable and fertilizing earth; I enriched it with manure; it is now fertile for many years to come. This fertility is my work . . . The earth belonged to no one; in fertilizing it, I made it mine. According to Locke, nine tenths at least of the produce of the soil should be attributed to human labor." *

It has been said that work is not a sufficient foundation to establish the right of property; that occupation must be added thereto, for otherwise work alone would make us the proprietors of what is already occupied by others; the farmer would become the proprietor of the fields he cultivates from the fact alone that he cultivates them. Occupation is therefore a necessary element of property.

* Jules Simon, *La Liberté*, ii. part, ch. iii.

Certainly; but occupation itself has no value except as it already represents labor, and inasmuch as it is labor. The fact of culling a fruit, of seizing an animal, and even of setting foot upon a desert land, is an exercise of my activity which is more or less easy or difficult to accomplish, but which in reality is not the less the result of an effort. It is, then, work itself which lays the foundation of occupation and consecrates it. But when the thing once occupied has become the property of a man by a first work, it can no longer without contradiction become the property of another by a subsequent work. This work applied to the property of others is not the less itself the foundation of property, namely: the price received in exchange of work, which is called *salary*, and which again by exchange can obtain for us the possession of things not ours.

33. Accumulation and transmission.—The right of *appropriation*, founded as we have just seen on work, carries with it as its consequence, the right of *accumulation* and that of *transmission*.

In fact, if I have acquired a thing, I can either enjoy it actually, or reserve it to enjoy it later; and if I have more than my actual wants require, I can lay aside what to-day is useless to me, but which will be useful to me later. This is what is called *saving;* and the successive additions to savings is called *accumulation*. This right cannot be denied to man; for that would be ignoring in him one of his noblest faculties, namely, the faculty of providing for the future. In suppressing this right, the very source of all production, namely, work, would dry up; for it is his thought of the future which, above all, induces man to work to insure his security.

The right of *transmission* is another consequence of property; for if I have enjoyment myself, I ought to be able to transmit it to others; finally, I can give up my property to obtain in its place the property of others which might be more agreeable or more useful to me; hence the right of *ex-*

change, which gives rise to what is called *purchase* and *sale*. Of all transmissions, the most natural is that which takes place between a father and his children: this is what is called *inheritance*. If we were to deprive the head of a family of the right of thinking of his children in the accumulation of the fruits of his labors, we should destroy thereby the most energetic instigation to work there is in the human heart.

34. Individual property and the community.—The adversaries of property have often said that they did not attack property in itself, but only *individual* property. The soil which, if not the principle, is at least the source of all riches, belongs, they say, not to the individual, but to society; to the State, that is to say, to all, as common and undivided property: each individual is but a consumer, and receives his share from the State, which alone is the true proprietor. This is what is called the community system, or *communism*, which takes two forms, according as it admits the division to be made in a manner absolutely equal among the co-members of the society, which is the *equality* system (*système égalitaire*); or by reason of *capacity* and *works*. It is this form of communism which the school of Saint-Simon maintains at this day.

We need not point out the practical impossibility of realizing such a system. Let us confine ourselves to showing its essential vice. If communism means absolute equality (and true communism does), it destroys the main inducement to work: for man assured of his living by the State, has nothing left to stimulate him to personal effort. Work, deprived of the hope of a legitimate remuneration, would be reduced to a strict minimum, and civilization, which lives by work, would rapidly go backward: general wretchedness would be the necessary consequence of this state of things; all would be equally poor and miserable; humanity would go back to its primitive state, to get from which it struggled so hard, and from which it emerged by means of work and property alone. Moreover, as it is absolutely impossible to dispense with work, the State

would be obliged to enforce it upon those whom their interest did not spontaneously incline to it; from being free, work would become servile, and the pensioners of the State would in reality be but its slaves.

As to the inequality-communism (*communisme inégalitaire*) which recommends a remuneration from the State, proportioned to merit and products, that is to say, to *capacity* and *works*, it certainly does not so very seriously impair the principle of property and liberty; but, on the one hand, it does not satisfy the instincts of equality,* which have at all times inspired the communistic utopias; on the other, it attacks the family instincts by suppressing inheritance; now, if man is interested in his own fate, he interests himself still more, as he grows old, in the fate of his children; in depriving him of the responsibility for their destinies, you deprive him of the most energetic stimulus to work; and the tendency would be, though in a lesser degree, to produce the same evil of general impoverishment, as would communism properly so called. But the principal vice of all communism, whether of equality or inequality, is to substitute the State for the individual, to make of all men functionaries, to commit to the State the destinies of all individuals; in one word, to make of the State a providence.†

35. Inequality of riches.—Yet there will always arise in the mind a grave problem: Why are goods created for all, distributed in so unequal and capricious a manner? Why the rich and the poor? and if inequality must exist, why is it not in proportion to inequality of merit and individual work? Why are the idle and prodigal sometimes rich? Why are the poor overwhelmed by both work and poverty?

There are two questions here: 1. Why is there any inequality at all? 2. Why, supposing this inequality must

* Thus we see Saint Simonian ideas completely disappear from the modern socialistic sects which all tend to blend with the equality-communism pure and simple.

† On the question of property, see Thiers, *La Propriété* (1848) and the *Harmonies économiques de Bastiat*, ch. viii

exist, has it no connection with merit or the work of the individual?

Regarding the first point, we cannot deny, unless we should wish to suppress all human responsibility, all free and personal activity—in a word, all liberty—we cannot deny, I say, that the inequality of merit and of work authorizes and justifies a certain inequality in the distribution of property.

But, it is said, this inequality is not always in proportion to the work. It may be answered that as civic laws become more perfect (by the abolition of monopoly, privileges, abuse of rights, such as the feudal rights, etc.,) the distribution of riches will tend to become more and more in proportion to individual merit and efforts. There remain but two sources of inequality which do not proceed from personal work: 1, accidents; 2, hereditary transmission. But in regard to accidents, there is no way of absolutely suppressing the part chance plays in man's destiny; it can only be corrected and diminished, and thereto tend the institutions of life-assurances, savings-banks, banks of assistance, etc., which are means of equalization growing along with the general progress. As to the inequality produced by inheritance, one of two things is to be considered: either the heir keeps and increases by his own work what he has acquired, and thus succeeds in deserving it; or, on the contrary, he ceases to work and consumes without producing, and in this case he destroys his privilege himself without the State's meddling with it.

Besides, the question is less concerning the *relative well-being* of men than their *absolute well-being.* What use would it be to men to be all equal if they were all miserable? There is certainly more equality in a republic of savages than in our European societies; but how many of our poor Europeans are there who would exchange their condition for an existence among savages? In reality, social progress, in continually increasing general wealth, increases at the same time the well-being of each, without increasing the sum of individual efforts.

This superaddition of well-being is in reality gratuitous, as Bastiat has demonstrated. "Hence," as he says, "with a community increasing in well-being,* as by property ever better guaranteed, we leave behind us the community of misery from which we came."

"Property," says Bastiat, "tends to transform onerous into gratuitous utility. It is that spur which obliges human intelligence to draw from the inertia of matter its latent natural forces. It struggles, certainly for its own benefit, against the obstacles which make utility onerous; and when the obstacle is overthrown, it is found that its disappearance benefits all. Then the indefatigable proprietor attacks new obstacles, and continually raising the human level, he more and more realizes community, and with it equality in the midst of the great human family."

36. Duties concerning the property of others.—After having established the right of general property, we have to expound the duties relative to the property of others.

The property of others may be injured in various ways, and in different cases. These cases are: 1, *loans;* 2, *trusts;* 3, *things lost;* 4, *sales;* 5, *property* strictly *so-called.*

37. Loans.—Debts.—The inequality of riches is the cause that among men some have need of what others possess, and yet cannot procure by *purchase*, for want of means. In this case, the first turn to the second to obtain the temporary enjoyment of the thing they stand in need of; this is called *borrowing;* the reciprocal act, which consists in conceding for a time the desired object, is called *loaning.* He who borrows, and who by this very act engages himself to return the thing again, is called *debtor* (who owes), and he who loans is called *creditor;* he has a credit on his debtor.

Several questions spring from this, some very simple, others very delicate, and often debated.

38. Rights and duties of the creditor.—Money interest.—Usury.—And first, is it a duty to loan to any that ask you? It

* See in the *Harmonies économiques* viii., that ingenious and substantial theory which shows the growing progress of the community by reason of property.

is evident that if it is a duty it can be only a duty of charity, or friendliness, but not of strict justice. One is no more obliged to loan to all than to give to all. The duty of loaning, like the duty of giving without discrimination, would be tantamount to the negation of property; for he who would open his money-chest to all unconditionally, however rich he might be, would in a few days be absolutely despoiled. Besides, the same duty weighing equally on those who have received, they in their turn would be obliged to pass their goods over to others, and no one would ever be proprietor. In this case, it would even be better to hand all property over to the State, that it might establish a certain order and fixity in the repartition of it.

It is this doctrine which a Father of the Church, Clement of Alexandria, has expressed in these terms in his treatise: *Can any rich man be saved?*

"What division of property could there be among men if no one had anything? If we cannot fulfil the duties of charity without any money, and if at the same time we were commanded to reject riches, would there not be contradiction? Would it not be to say at the same time give and not give, feed and not feed, share and not share?"

It is therefore not a strict duty to loan to all; it is a form of benevolence, and we must put off to another chapter (ch. vi.) the conditions and the degrees of this duty.

But a question which necessarily presents itself here, is to know if, when one loans, it is a duty to deprive one's self of all remuneration; or if it is, on the contrary, permitted to exact a price over and beyond the sum loaned. This is what is called money *interest;* and when this interest is or appears excessive, it is called *usury.* This question, discussed during the whole middle ages, was, before its true principles were established, first resolved by practice and necessity.

It is to-day evident to all sensible minds, that capital, like work, has a right to remuneration. Why? Because without the expectation of this remuneration, the possessor of the

capital would forthwith consume it himself or allow it to waste away without use. This will be better understood in considering the two principal forms of remuneration for capital: *interest* and *rent*. Interest and rent are both the product of a capital loaned, but with this difference, that rent is the product of a *fixed* capital (house, field, workshop); while interest is the product of a *circulating* capital (money or paper).

The interest of capital represents two things: 1, the deprivation of him who loans, and who might consume his capital; 2, the risk he incurs, for capital is never loaned except to be invested, and consequently it may be lost. These are the two fundamental reasons which establish the legitimacy of interest, despite the prejudices which have long condemned it as *usury*, and the utopias which would establish the *gratuity* of *credit*.*

The principal reason against the legitimacy of interest is deduced from the *sterility of money*. "Interest," says Aristotle, "is *money bred from money;* and nothing is more contrary to nature." But, as Bentham remarks (*Defense of Usury*, letter 10), "if it be true that a sum of money is of itself incapable to breed, it is not the less true that with this same borrowed sum, a man can buy a ram and a sheep, which, at the end of a year, will have produced two or three lambs." In other terms, as Calvin says, "it is not from the money itself that the benefit comes, it is from the use that is made of it."

It has been said that he who *loans* does not *deprive* himself of his money, since he can do without it. (Proudhon, *Letters to Bastiat*, 3d letter.) But he does deprive himself of it, since he might have consumed it himself. The proof that a loan is a privation, is the pain men have in economizing and in investing their money. How many men are there

* See especially about the question of interest, the controversy between Proudhon and Bastiat. (Works of Bastiat, vol. v., *Gratuity of Credit.*)

who, in possession of a sum of one hundred francs, would not rather spend it than place it on interest?

As to what is called *gratuitous* credit, it could be possible only by being reciprocal. In fact, if I loan you my house, and you loan me in return your land, supposing they are of equal value, it is evident that, the one being worth as much as the other, and the two services equivalent, we need not pay each other anything; for it would be only an exchange of money. But nothing can be inferred from this, touching the most usual case: namely, where the capital is loaned by the possessor to him who does not possess; for then there is no reciprocity, consequently no gratuity.

As to the rate of interest it varies like all values according to the law of supply and demand in the money market. (See the *Cours d'Economie Politique.*) The greater the supply of capital the less dear it is. It is, then, the increase of capital that is to diminish interest and bring about a sort of relative gratuity. Every enterprise against capital will produce a contrary result.

As to the rent of capital, it has generally raised fewer objections than interest; for it is easier to understand that if I give myself the trouble to build a house, it is that it will bring me in something; but it is, on the whole, the same thing, with this difference, that circulating capital, running more risks than fixed capital, seems to have a still better right to remuneration.

The lender has then the right to exact a certain amount over and above the sum loaned. Certainly, he cannot exact it, as it often occurs among friends, and for very small sums. But as a principle, one is no more obliged to lend gratuitously, than to give to others gratuitously what they need.

In admitting that the interest of money is a legitimate thing, is one obliged also to admit that the money-lender has a right to fix the rate of interest as high as he wishes? Beyond a certain limit, will not the interest become what we call *usury?*

To which may be replied:

"1. If the one borrowing consents to pay the price, it is that this service done him does not appear to him too dear. One may borrow at 20 and even 30 per cent., if one foresees a gain of 40. 2. Why not look at the thing from the lender's standpoint? If the return of the funds appears more or less doubtful, why should he not have the right to protect himself?" (*Dictionary of Politics*, by Maurice Block.)

These arguments prove, in fact, that it is impossible to determine beforehand and absolutely the rate at which it may be permitted to lend, and there are many cases where a very high interest may be legitimate: for instance, in what is called *bottomry-loan*, which consists in advances made to shipping merchants on their ships; the law here sanctions very high interest, because of the exceptional risks this kind of enterprise runs.

Does it, however, follow, as some economists seem to think, that there is no occasion to speak of *usury*, properly so called, that the term *usurer* is an insult, invented by ignorance, which has no real basis? This we cannot admit. Political economy and morality are two different things.

Even if one should admit that there is no reason for legally fixing the rate of interest, because money is a merchandise like all others which should be left to free circulation, to the free appreciation of the parties, it would not follow that there could be no abuse made of the required interest. Experience proves the contrary. It is not so much the rate of the interest which constitutes the injustice thereof, as the reasons and circumstances of the loan. If, taking advantage of the passions of youth, one loans to a prodigal, knowing him unable to refuse the conditions, because he only listens to pleasure; or if, seducing the ignorant, one dazzles him with magnificent bargains; or, lastly, if profiting by the common desire among peasants to enlarge their grounds, we advance them money, knowing they cannot return it, and secure thereby the property they think they are buying, in all such cases, or similar ones, there is always *usury*, and morality must condemn such hateful practices.

The hatefulness of usury is brought into strong relief in Molière's celebrated scene in *The Miser* (Act ii., Sc. i.):

LA FLÈCHE: Suppose that the lender sees all the securities, and that the borrower be of age and of a family of large property, substantial, secure, clear and free from any incumbrances, there will then be drawn up a regular bond before a notary, as honest a man as may be found, who to this effect shall be chosen by the lender, to whom it is of particular importance that the bond be properly drawn up.

CLEANTE: That's all right.

LA FLÈCHE: The lender not to burden his conscience with any scruples, means to give his money at the low rate of denier eighteen* (5, 9 per cent.) only.

CLEANTE: Denier eighteen? Jolly! That's honest indeed! No fault to find there!

LA FLÈCHE: No. But as the said lender has not with him the sum in question, and, to oblige the borrower, he will himself be obliged to borrow from another at the rate of denier five (20 per cent.), it will be but just that the abovesaid first borrower should pay that interest without prejudice to the other, for it is only to oblige him that the said lender resorts to this loan.

CLEANTE: The devil! What a Jew! What an Arab is that! That would be at a greater rate than denier four (25 per cent.).

LA FLÈCHE: That's so: it is just what I said.

CLEANTE: Is there anything more?

LA FLÈCHE: But just a small item. Of the fifteen thousand francs that are asked, the lender can give in cash only twelve thousand, and for the thousand crowns remaining, it will be necessary that the borrower take the clothes, stock, jewelry, etc., of which here is the list.

CLEANTE: The plague on him!

The next scene shows with remarkable energy the *spendthrift* and the *usurer* in conflict with each other.†

39. Duties of the debtor.—After the duties of the lender and the creditor, let us point out those of the borrower or the debtor. The only duty for him here is to return what he has borrowed: it is the duty of *paying one's debts.*

For a long time, the duty of paying one's debts appeared to be one of those vulgar and commonplace duties intended for

* Mode of reckoning in the time of Louis XIV.

† The scene between father and son in *The Miser* (Sc. ii., Act iii.).

the generality of men, but from which the great lords freed themselves easily. The poor creditors have been the laughing stock in comedies.* But it is not doubted nowadays that to refuse to pay what one owes, is really taking from the property of others, and appropriating what does not belong to us.

This duty, besides, is so simple and stringent that it is necessary only to mention it without further development. The same principles apply to the various ways in which one may make use of property, and particularly to the three kinds indicated in the Civil Code—the *usufruct*, the *usage*, and the *right of action*. The common obligation in these three cases, mentioned by the Code, is to use the thing belonging to others as a *prudent father* would, which is to say, to use it as the proprietor himself would use it, without injuring the object, and even improving it as much as possible. It is especially in commerce that the act of paying one's debts, is not only more obligatory morally, but socially more necessary than anywhere else. The reason of it is that commerce is impossible without credit. By exacting of every merchant the payment of cash, the springs of exchange would dry up; besides, most of the time it would be useless; for in commerce merchandise is constantly bought against merchandise. It would be loss of time, loss of writing, limitation of the market. In commerce one cannot say of him who owes that he is a borrower; for the next day, according to the fluctuations of demand and supply, he may be the lender. But it is just because credit is indispensable in commerce, that the obligations of the debtors are in some respect more stringent; for the greater the confidence, the more stringent the duty. So that *commercial honor* is like *military honor*—it does not admit of breaking promises.

40. Failures and bankruptcies.—However strict one should be in commerce in regard to keeping promises, there is nevertheless in the Code cause for distinguishing two different

* See, in Molière's *Don Juan*, the charming scene between Don Juan and Mr. Dimanche.

cases of promise-breaking—failure and bankruptcy; and in this second case, there is *simple* bankruptcy and *fraudulent* bankruptcy.

Failure is purely and simply the suspension of payments resulting from circumstances independent of the will of him who fails. Bankruptcy, on the contrary, is suspension of payments resulting either from imprudence or from mistakes of the bankrupt.

Simple bankruptcy occurs in the following cases: 1. If the personal expenses of the merchant or the expenses of his house are judged excessive; 2. If he has spent large sums of money in operations of pure chance either in fictitious operations or extravagant purchases; 3. If with the intention of putting off his failure, he has made purchases to sell again below par; 4. If after cessation of payment, he has paid a creditor to the prejudice of all others. (Code of Commerce.)

Bankruptcy is called *fraudulent*, when the bankrupt has abstracted his books, misrepresented a portion of his assets, or declared himself debtor for sums he does not owe.

It is useless to say that this third case is but another case of theft and deserves the severest denunciation. Simple bankruptcy is already very culpable; and failure itself should be regarded by all merchants as a very great misfortune, which they must avoid at any cost.

41. The commodate or gratuitous loan.—The gratuitous loan or commodate is a contract by which one of the parties gives to the other a thing to be made use of, on the condition that it be returned after having served its purpose. (Code Civ., Art. 1875.)

As a fundamental principle, the receiver must return to the lender the very thing he has loaned him. But in case of loss or deterioration of the thing loaned, resulting from the use made of it, on whom is to fall the loss?

"It cannot be presumed, says Kant (Doctrine of the Law, French translation, p. 146), that the lender should take upon himself all the chances of loss or deterioration of the thing loaned; for it

stands to reason that the proprietor, besides granting to the borrower the use of the thing he loans him, would not agree to *insure* him also against all risks. If, for instance, during a shower, I enter a house, where I borrow a cloak, and this cloak gets to be forever spoiled from coloring matters thrown upon me by mischance, from a window, or if it be stolen from me in a house where I laid it down, it would be considered generally absurd, to say that I had nothing else to do than to send back the cloak, such as it is, or report the theft that has taken place. The case would be very different if, after having asked permission to use a thing, I should insure myself against the loss in case it should suffer any damage at my hands, by begging not to be held responsible for it. No one would think this precaution superfluous and ridiculous, except perhaps the lender, supposing he was a rich and generous man ; for it would then be almost an offense not to expect from his generosity the remission of my debt."

42. The trust.—*Trust*, in general, is an act by which one receives the thing of another on condition to keep it and restore it in kind. (Code Civ., Art. 1915.)

He who deposits is called deponent (or bailor in England) ; he who receives the trust is called depositary (in England bailee).

The obligations of the depositary are morally the same as those found in positive law. We have then nothing better to do here than to reproduce the precepts of the Code on this matter.

1. The depositary, in keeping the thing deposited with him, must exercise the same care as with the things belonging to himself (Art. 1927).

2. This obligation becomes still more stringent in the following cases : (*a*), when the depositary offers himself to receive the thing in trust ; (*b*), when he stipulates for a compensation for the keeping of the thing deposited ; (*c*), when the trust is to the interest of the depositary ; (*d*), when it has been expressly agreed upon that the depositary be answerable for all kinds of mistakes (Art. 1928).

3. The depositary cannot make use of the trust without the express or presumed consent of the deponent (Art 1929).—

For example, if a library has been left in my trust, it may be presumed that the deponent would not object to my using it; but if the trust consists in valuable jewelry, it can be only by the express wish of the deponent that I could wear it. The difference is simple and easily understood.

4. The depositary should not seek to know what the things deposited with him are, if they have been left with him in a closed trunk or a sealed envelope (Art. 1931).

5. The depositary must return the identical thing he has received. Thus the trust consisting in specie, must be returned in the same specie.

The obligation to restore the thing deposited in kind, and such as it was when delivered, is evident, and constitutes the very essence of the trust.

However, we should take into account the following circumstances:

1. The depositary is not held responsible in cases of insuperable accidents (Art. 1929).

2. The depositary is only held to return the things deposited with him, in the state wherein they are at the moment of restitution. Deteriorations, through no fault of his, are at the expense of the deponent (Art. 1935).

Such are the obligations of the depositary; as to those of the deponent, they resolve themselves into the following rule:

The deponent is held to reimburse the depositary for any expense he may have incurred in the keeping of the trust, and to idemnify him for any loss the trust may have occasioned him (Art. 1947).

43. Possession in good faith.—Possession in good faith is analogous to trust. In fact, he who possesses in good faith a thing that is not his, is in reality but a depositary, but he is so without knowing it. Hence analogies and differences between these two cases, which it is well to point out.

The following are some rules proposed on this subject by Grotius (De la paix et de la guerre, B. 11, ch. xii., § 3); and Puffendorf (Droit de la Nature et des Gens, B. iv., ch. xiii.,

§ 12). But as these rules appeared excessive to other jurisconsults, we give them here rather as *problems* than *solutions*:

1. A possessor in good faith is not obliged to restore a thing which, against his wish, has come to be destroyed or lost, for his good faith stood to him in lieu of property.

2. A possessor in good faith is held to return not only the thing itself, but also its fruits still existing in kind.

3. A possessor in good faith is held to return the thing itself, and the value of the fruit thereof which he has consumed, if there is reason to believe that he would have otherwise consumed as many similar ones.

4. A possessor in good faith is not held to return in kind the value of the fruit he has neglected to gather or to grow.

5. If a possessor in good faith, having received the thing as a present, should afterwards give it to another, he is not obliged to return it, unless he would otherwise have given one of the same value.

6. If a possessor in good faith, having acquired a thing by an onerous title, should afterwards dispose of it in some way or other, he need return but the gain it procured him.

It is necessary to remark here that in this matter morality should be more severe than the strict law; for if morality demands that a possessor be above all mindful of the rights of others, the law should also consider the rights of him who in good faith and ignorance enjoys what belongs to others. Hence, an essential difference between this case and that of the trust.

44. Things lost.—The question of things lost is related to that of possession in good faith. If the thing lost should fall into my hands by a regular acquisition, by purchase, contract, etc. (as, for instance, buying a horse in the market), it is evident that this case comes under possession in good faith, and that it is the business of the law to decide between proprietor and possessor. But if I appropriate to myself the thing lost, knowing it to be lost, and consequently not mine, there is fraud and converting to my own use the property of others.

Public opinion was for a long time indulgent towards this kind of appropriation. It seemed that luck gave a certain title to property. The difficulty, moreover, of finding the true owner, seemed to give to him who had found the object a certain right to it. But to-day society plays the part of intermediary, and assumes the duty of restoring the thing lost to its owner. It is, therefore, to the authorities the object must be returned.*

For a long time a misjudgment of the same kind allowed wreckers a pretended right to the objects thrown on the strand by the tempest following a wreck.

45. Sale.—Sale is a contract by which one of the parties engages to deliver a thing, and the other to pay for it (Civ. Code, Art. 1982). There are, then, two contracting parties—the *seller* and the *buyer*. They are subject to different obligations.

Obligations of the seller.—The seller is held clearly to explain what he engages to do. An obscure and ambiguous agreement is interpreted against the seller (Civ. Code, Art. 1602). Such is the general and fundamental obligation of a sale. It implies, moreover, two others, more particular: 1, that of *delivering;* 2, that of *guaranteeing* the thing sold.

The first is very simple, and raises only questions of fact, as in regard to delays, expenses of removal, etc.; it is the business of the law to regulate these details.

The guaranty, in a moral point of view, is of greater importance. The two essential principles in this matter are expressed by the Code in the following terms:

1. The seller is held to his guaranty in proportion to the concealed defects of the thing sold, rendering it improper for the use for which it was destined, or so diminishing this use, that the buyer would not have bought it, or would not have given so much for it, had he known of these defects.

* "Things lost cannot give rise to an action for theft, when the finder, after having looked for their proprietor in vain, and only retained them when his researches proved fruitless, has ascertained that the proprietor will not present himself. But if the thing has been taken with the intention of appropriating it, if it has an owner, although unknown, there is no doubt about the delinquency." (Faustin-Hélie, *Droit pénal*, iv. edit., Leçon v., p. 66.)

2. The seller is not held to the obvious defects which the buyer may have been able to see himself.

It is to this question of guaranteeing the thing sold, that the conscience-case mentioned by Cicero, in his treatise on *Duties*, is applicable:

An honest man puts up for sale a house, for defects only known to him; this house is unhealthy and passes for healthy; it is not known that there is not a room in it where there are no serpents; the timber is bad and threatens ruin; but the master alone knows it. I ask if the seller who should not say anything about it to the buyers, and should get for it much more than he has a right to expect, would do a just or unjust thing. "Certainly he would do wrong," says Antipater; "is it not, in fact, leading a man into error knowingly?" Diogenes, on the contrary, replies: "Were you obliged to buy? You were not even invited to do so. This man put up for sale a house that no longer suited him, and you bought it because it suited you. If any one should advertise: *Fine country-house well built*, he is not charged with deceit, even though it was neither the one nor the other. And whilst one is not responsible for what he says, you would make one responsible for what he does not say! What would be more ridiculous than a seller who would make known the defects of the thing he puts up for sale? What more absurd than a public crier who, by order of his master, should cry: "Unhealthy house for sale!"

Despite Diogenes' railleries, Cicero decides in favor of Antipater and the more rigorous solution. The truly honest man, he says, is he who conceals nothing.

If it is a fault not to reveal the defects of the thing sold, it is a still graver one, and one which becomes a fraud, to ascribe to it qualities or advantages it has not. Cicero cites on this subject a charming and well-known anecdote.

The Roman patrician, C. Canius, a man lacking neither in personal attractions nor learning, having gone to Syracuse, *not on business, but to do nothing*,* as he expressed it, said everywhere that he wished to buy a pleasure-house, to which he might invite his friends, and amuse himself with them away from intruders. Upon this report, a certain Pythius, a Syracuse banker, came to tell him that he had a pleasure-house which was not for sale, but which he offered him and begged him

* The play in Latin is on the words *otiandi* and *negotiandi*.—Translator.

to use as his own, inviting him at the same time to supper for the next day. Canius having accepted, Pythius, who in his quality of banker had much influence among people of all professions, assembled some fishermen, requesting them to go fishing the next day in front of his pleasure-house, giving them his orders. Canius did not fail to present himself at the supper hour. He found prepared a splendid banquet, and a multitude of boats before the grounds of his host. Each of the fishermen brought the fish he had caught, and threw them at Pythius' feet. Canius wondered: "What means this, Pythius? How! so many fish here, and so many boats!" "Nothing to wonder at," says Pythius; "all the fish of Syracuse come up here. It is here the fishermen come for water. They could not do without this house." Canius then becomes excited; he presses, solicits Pythius to sell him the house. Pythius first holds back, but at last gives in. The Roman patrician gives him all he asks for it, and buys it all furnished. The contract is drawn up, and the bargain concluded. The next day, Canius invites his friends, and comes himself early in the morning; but not a boat is in sight. He inquires of the first neighbor if it was a holiday with the fishermen, that he did not see any about. "Not that I know of," replied the neighbor; "but they never come this way, and I did not know, seeing them yesterday, what it all meant." Canius was no less indignant than surprised. But what remedy? Aquillius, my colleague and friend, had not yet established his formulas on fraudulent acts.*

46. The price in selling.—If we adhere to the principles of political economy, the price in selling is entirely free: it depends exclusively upon the agreement between the vender and the buyer, and as it is said, on the relation between the supply and demand. Nothing more unjust than the intervention of the law in commercial relations. If the buyer buys at such or such a price, however high, it is that he still finds it to his interest to buy even at that rate. If the vender sells at such or such a price, however low, it is that he cannot get more, and that it suits him rather to sell at that price than keep the thing.

It is then certain that the value of things being wholly relative, it is impossible to determine in an absolute manner what may be called the just price; for that depends on the frequency and rarity of the thing, on the market, on

* *De Officiis*, Book III., ch. xiv.

the wishes of the buyer, and the thousand continually varying circumstances. In short, the sale taking place when one wishing to sell and one wishing to buy, meet each other, it seems that their accord is a proof that the two interested parties have come to an understanding. There would, according to that, never be any unjust sale or purchase. We must consequently consider the definition of commerce given by the socialist, Ch. Fourier: "Commerce is the art of buying for three cents what is worth six, and selling for six what is worth three," not only as satirical and hyperbolical, but also as unjust and anti-scientific; for we cannot say whether a thing is in itself absolutely worth six cents or three cents.

Does it follow, however, that there can never be any injustice in sale or purchase? If there is no *absolute* price, there is a *medium* price resulting from the state of the market. Now, the buyer may not know this medium price; and it is an injustice on the part of the seller to take advantage of this ignorance to sell above that. The same in the case of the vender's not knowing the price of the thing he has for sale, which the buyer appropriates, paying for it below its real value.

Besides, whilst admitting that the prices are free, and that the law cannot intervene between vender and buyer, it is, however, necessary to admit that there is a certain *moderation* beyond which injustice begins, if not in a *legal*, at least in a *moral* point of view. But it is for particular circumstances to determine this limit; and there is no general rule for it. It is a case where not strict justice, but *equity* is just.

47. Violation of the property of others.—*Theft.*—In general, every kind of violation of property under one form or another, is called *theft*, and this action is condemned by morality. It is expressed by that ancient commandment: *Thou shalt not steal.*

The following are the various definitions of theft given by the jurists: "By theft is meant every illegal usurpation of the property of others." *—"By theft is meant every fraudulent

* Definition of the canon law.

carrying off for gain a thing belonging to others." * Finally our Code declares that, "whosoever has fraudulently carried off anything that does not belong to him, is guilty of theft." (Penal Code, Art. 379.)

It takes, then, three elements to constitute theft: 1, *carrying off;* 2, *fraud;* 3, *the thing of another.*

Two kinds of theft are distinguished: the *simple* thefts and the *qualified* thefts.

The first are those in which are met the three preceding elements, but without any further aggravating circumstance. The second (qualified thefts) are those which to the three preceding elements add some aggravating circumstances. These circumstances are: 1, the quality of the agents (servants, innkeepers, drivers or boatmen).

It is clear that this is an aggravating circumstance by reason of the facility given by the more intimate relations in which they stand with the injured persons, and the greater confidence these are obliged to grant them.

2. *Times* and *places.*—For example, thefts committed by night are more grave than those committed by day, because it is more difficult to anticipate them, to catch their perpetrators, and because they place the injured person in greater danger. The places that aggravate theft are: 1, *the fields;* 2, *inhabited houses;* 3, *edifices* consecrated to divine worship; 4, *highways,* etc. It is easy to understand why these different places aggravate the crime by rendering it more easy.

3. *Circumstances of execution,* as for example: 1, theft committed by *several* persons; 2, theft by *breaking open;* 3, theft with an *armed* hand, etc.

In a word, theft becomes greater in proportion to the difficulty of forestalling it, and its menacing character.

One particular form of theft is *swindling.* Swindling is a sort of theft, since it is a fraudulent appropriation of the thing of another. But it is characterized by the fact that it does not take place through violence, but through cunning,

* *Digest,* II., § 3, *De Furtis.*

and in deceiving the victim by fraudulent maneuvers; for instance, in making him believe in the existence of false enterprises, in an imaginary power or credit, in calling forth the hope and fear of a chimerical event, etc.

Embezzlement is a sort of swindling, with this difference, that "if the criminal has betrayed the confidence which has been placed in him, he has not solicited this confidence by criminal maneuvers." Among these may be classed: 1, taking improper advantage of the wants of a minor; 2, misuse of letters of confidence; 3, embezzlement of trusts; 4, the abstraction of documents produced in court.

We have to point out still several other kinds of theft: for example, theft at *gambling* or *cheating;* theft of public moneys or peculation, etc.

In one word, under whatever form it may be concealed, misappropriation of another's goods is always a *theft.* In popular opinion it often seems, as if theft really takes place only when the criminal takes violent possession of another's property. Very often a few false appearances suffice to conceal to the eyes of easy consciences the hatefulness and shamefulness of fraudulent spoliations. One who would scruple to take a piece of money from the purse of another, may have no scruple in deceiving stockholders with fictitious advertisements, and appropriate capital by fraudulent maneuvers. Theft thus committed on a large scale is still more culpable, perhaps, than the act of him who, through want, ignorance, hereditary vices, never knew of any other means of living than by theft.

48. Restitution.—He who has taken possession of anything that belongs to another, or retains it for any cause, is held to restitution as a reparation of his fault. This restitution must be made as soon as possible; otherwise it is necessary to obtain an extension of time from the injured person. If the thing has been lost, restitution should no less be made under some form of *compensation.* Restitution is independent of the penalty attached to the damage and fault.

49. Promises and contracts.—We have seen above that it is an absolute obligation for man to use language only so as to express the truth. Hence every word given becomes essentially obligatory. But it is as yet only a duty of the man towards himself. We have to see wherein and how the word given may become a duty towards others. This is the case with *promises* and *contracts.*

Promises.—A promise is the act whereby one gives his word to another either to give him something or do something for him.

According to jurists, a promise is obligatory only when accepted by him to whom it is made.

Pollicitation (promise) says Pothier,* produces no obligation properly so called, and he who has made such a promise may, as long as that promise has not been accepted by him to whom it was made, revoke it; for there can be no obligation without a right acquired by the person to whom it has been made and against the one under obligation. Now, as I cannot of my own free will, transfer to any one a right over my property, if his own will does not concur with mine in accepting it; so I cannot, by my promise, grant any one a right over my person, until that one's will concurs with mine in acquiring it by the acceptance of my promise.

It may be true that in strict law, and from the standpoint of positive law, the promise may be obligatory only and capable of enforcement when it has been accepted, and accepted in an obvious and open way; but in natural law and in morality, the promise is obligatory in itself. Of course, it is understood that the promise bears on something advantageous to him to whom we make it; for if I promise some one a thrashing, it cannot be maintained that I am obliged to give it to him; and if he to whom I make the promise will not receive what I offer, I am by that very fact relieved from my promise; for one cannot give anything to another against his will; I am under no obligation to him who will not receive anything from me. But if the promise bears on something advantageous to any one, I am obliged to keep it without asking myself whether he to whom

* *Traité des obligations*, Part I., ch. i., § 2.

I made it, is disposed to accept it; presuming still that he will accept it. It is therefore not the explicit acceptance of a thing that renders the promise obligatory; it is the explicit refusal which relieves one of the promise; and together with that it would be necessary that the refusal be absolute and not contingent; for even then the promise may remain obligatory, at least in its general principles, while undergoing some modification in the execution.

Is one obliged to keep his promise when the fulfillment of it is injurious to those to whom it was made? "No," says Cicero; for example:

Sol had promised Phaethon, his son, to fulfil all his wishes. Phaethon wished to get on the chariot of his father; he got his wish, but at the same instant he was struck with lightning. It would have been better for him had his father not kept his promise. May we not say the same of the one Theseus claimed of Neptune? This god having made him the promise to grant him three wishes, Theseus wished for the death of his son Hippolytus, whom he suspected of criminal love.* How bitter the tears he shed when his wish was accomplished! What shall we say of Agamemnon? He had made a vow to immolate the most beautiful object in his kingdom; this was Iphigenia; and he immolated her; this cruel action was worse than perjury.

The truth of this doctrine cannot be contested. However, it is necessary to understand this exception in the strictest sense, and not to seek in the pretended interest of the person one obliges, a pretext to change one's mind. For example, if you have promised any one a post which he accepts and desires, you cannot be allowed to relieve yourself of it, by supposing that the post will in reality be a disadvantage to him, and that you will give him a better one another time.

Some other exceptions are pointed out by the moralists and jurists; for example:

1. Necessity relieves of all promise. If, for example, I have promised to go to a meeting and am kept in bed by a serious illness, it is impossible for me to go, and hence I am relieved of my promise.

* See Racine's tragedy of Phèdre.

2. One is not obliged to perform illicit acts: "for," says Puffendorf, "it would be a contradiction, to be held by civil or moral law, to perform things which the civil or moral law interdicts. It is already doing wrong to promise illicit things, and it is doing wrong twice to perform them." *

3. One cannot promise what belongs to another: for I cannot promise what I cannot dispose of.

50. Contracts.—A *contract* is an agreement by which one or several persons engage to do or not to do a certain thing for one or several others. (Code Civ., Art. 1101.)

Conditions of the contract (Art. 1108).—Four conditions are necessary to constitute a valid and legitimate agreement:

1. The *consent* of the parties.
2. The *capacity* of the contractors.
3. A sure *object* as a basis for the contract.
4. A licit *cause* in the obligation.

(1). The *consent.*—The consent is the voluntary acceptance of the charges implied in the contract. It is *express* or *implied:* express, when it is made manifest by words, writing, or any other kind of expressive signs. It is implied, when, without being expressed by outward signs, it may be deduced, as a manifest consequence of the very nature of the thing, and other circumstances.

All consent presupposes, 1, *the use of reason:* the insane cannot contract any obligation; children neither; † 2, *necessary knowledge.* Therefore all real consent excludes error, at least "when it falls on the very substance of the thing which is its object." ‡ It is, besides, for the jurists to define with precision what is to be understood by error in matter of contract; 3, the liberty of the contracting parties:

* Puffendorf, *Of the Duties of Man and the Citizen*, ii., c. ix., § 18.

† In the United States children can, in the case of neglect by their parents, make contracts which are obligatory for whatever is necessary for them.

‡ Our Code does not admit that a mistake touching the person, vitiates the consent of the contractors, unless this consideration be the principal cause of the agreement.

whence it follows that consent extorted by constraint and violence is not valid.

(2.) The *capacity to make a contract* is deduced from the foregoing principles. All those who are not supposed to be able to give an intelligent and free consent, are incapable and cannot make contracts: for instance, persons under age, persons interdicted, insane or idiots, etc.

(3.) The *matter of a contract.*—"All contract has for its object something that a certain party engages to give, or do or not do." It is evident that a contract without subject-matter and bearing on nothing, is void, and does not exist.

(4.) The *cause* of the contract must be real and legal. Contracts are subject here to the same rules as are promises.

The preceding distinctions are all borrowed from the civil law; but they express no less principles of justice and equity which may be resolved into the following rules:

1. No one should take by surprise or extort a consent through artifice or violence.

2. No one should make a contract with one whom he knows to be incapable of understanding the value of the engagement he is called upon to make: for example, with one under age, incapable before the law, but of whom it is known that the parents will pay the debts; or with one feeble-minded, though not yet an interdicted person, etc.

3. No one should contract a fictitious engagement bearing on matters non-existing, or such as have only an imaginary or illegal cause.

Interpretation of contracts.—Jurists give the following rules regarding the interpretation of obscure clauses in contracts. The rules which are to guide the judge in regard to the law are the same as those which are to enlighten the consciences of the interested parties:

"1. One should, in agreements, find out the mutual intention of the contracting parties, rather than stop at the literal sense of the words." (Art. 1156.)

"2. When a clause is susceptible of a double meaning, one

should understand it in the sense in which it may have some effect, rather than in the one in which it would not have any." (Art. 1157.)

"4. That which is ambiguous is to be interpreted by what is customary in the country where the contract is made." (Art. 1159.)

"5. One should supply in a contract its customary clauses, though they be not therein expressed." (Art. 1160.)

"6. All the clauses of agreements are to be interpreted by one another, giving each the sense which results from the entire document." (Art. 1161.)

"7. If doubtful, the agreement is to be interpreted against the stipulator, and in favor of him who contracted the obligation." (Art. 1162.)

CHAPTER V.

DUTIES TOWARDS THE LIBERTY AND TOWAPDS THE HONOR OF OTHERS.—JUSTICE, DISTRIBUTIVE AND REMUNERATIVE; EQUITY.

SUMMARY.

Liberty in general.—Natural rights.

Slavery.—Arguments of J. J. Rousseau against slavery, servitude; oppression of work under divers forms.

The honor of others.—*Backbiting* and *slander.*

Rash judgments.—Analysis of a treatise of Nicole.—*Envy; rancor; delation.*

Justice, distributive and remunerative.—To each according to his merits and his works. Equity.

After self-preservation, the most sacred prerogative of man is *liberty*—that is to say, the right of using his faculties, both physical and moral, without injury to others, at his own risks and perils, and on his own responsibility.

51. Liberty—Natural rights.—The word liberty sums up all that is understood by the *natural rights of man*, namely, the right to go and come, or *individual liberty;* the right to use his physical faculties to supply his wants, or *liberty of work;* the right to exercise his intelligence and reason, or *liberty of thought;* the right to honor God according to his lights, or *liberty of conscience;* the right to have a family, a wife and children, or the *family right*, and finally the right to keep what he has acquired, or the right of property.

52. Slavery.—The privation of all these rights, of all these liberties in an individual, is called *slavery.* Slavery is the suppression of the human personality. It consists in

transforming man into a *thing*. It takes away from him the right of property and makes of himself a property. The slave is bought and sold as a thing. The fruits of his labor do not belong to him; he cannot come and go at will; he can neither think nor believe freely; in some countries he is interdicted the right of instructing himself; he has no family, or has one temporarily only, since his wife or children may be separately sold; and since the women belong to their masters as their property, there is no bridle against the license of passions.

Although slavery is at the present day well-nigh abolished in the world, still as it is not yet wholly so, and as this abolition is quite recent, and tends constantly to be renewed under one form or another, it is important to sum up the principal reasons that show the immorality and iniquity of this institution.

53. Refutation of slavery—Opinion of J. J. Rousseau. —J. J. Rousseau, in his *Contrat Social* (I., iv.), combated slavery with as much profundity as eloquence. Let us sum up his arguments with a few citations:

1. Slavery cannot arise from a contract between the master and the slave; for to consent to slavery is to renounce one's manhood, of which no one can dispose at his will.

To renounce one's liberty is to renounce one's manhood, and the rights of humanity, even one's duties. There is no reparation possible for him that renounces everything. Such a renunciation is incompatible with the nature of man, and is depriving his actions of all morality, and his will of all liberty.

2. Such a contract is contradictory, for the slave giving himself wholly and without reserve, can receive nothing in return.

It is a vain and contradictory agreement to stipulate an absolute authority on one side, and on the other unlimited obedience. Is it not clear that one can be under no obligation towards him of whom one has a right to demand everything? and does not this single condition, without equivalent, without exchange, carry with it the nullity of the act? For what right could my slave have against me, since all he has belongs

to me, and that his right being my own, this my right against myself is a word without any sense.

3. Even if one had the right to sell one's self, one has not the right to sell one's children. Slavery at least should not be hereditary.

Admitting that one could alienate himself, he could not alienate his children; they are born men and free; their liberty is their own; no one has a right to dispose of it but themselves.

Before they have reached the age of reason, their father may, in their name, stipulate conditions for their welfare, but not give them irrevocably and unconditionally over to another; for such a gift is contrary to the ends of nature, and passes the rights of paternity.

4. Slavery, furthermore, comes not from the right of killing in war; for this right does not exist.

The conqueror, according to Grotius, having the right to kill the conquered enemy, the latter may ransom his life at the expense of his liberty: an agreement all the more legitimate, as it turns to the profit of both.

But it is clear that this pretended right to kill the conquered adversary does not result in any way from the state of war. . . . One has a right to kill the defenders of the enemy's State as long as they hold to their arms; but when they lay these down and surrender, and cease to be enemies, they become simply men again, and one has no longer a right on their life.

If war does not give the conqueror the right of massacring the conquered, it does not give him the right of reducing them to slavery. . . . The right of making of the enemy a slave, does not then follow the right of killing him; it is then an iniquitous exchange to make him buy his life at the price of his liberty, over which one has no right whatsoever.

Montesquieu has also combated slavery; but he has done it under a form of irony, which gives still greater force to his eloquence.

"If I had to defend the right we have had to make slaves of the negroes, this is what I should say:

"The peoples of Europe having exterminated those of

America, they were obliged to reduce to slavery those of Africa in order to use them to clear the lands.

"Sugar would be too dear if the plant that produces it were not cultivated by slaves.

"The people in question are black from head to foot, and they have so flat a nose that it is almost impossible to pity them.

"One cannot conceive that God, who is a being most wise, could have put a soul, and above all a good soul, in so black a body.

"It is impossible for us to suppose that these people are men; because if we supposed them to be men, one might begin to think we are not Christians ourselves.

"Narrow minds exaggerate too much the injustice done to Africans. For if it were as they say, would it not have come to the minds of the princes of Europe, who make so many useless contracts among each other, to make a general one in favor of mercy and of pity?"*

54. Servitude—Restrictions of the liberty to work—Oppression of children under age, etc.—Absolute slavery existed in antiquity, and has particularly reappeared since the discovery of America, owing to the difference of the races: the black race being, seemingly, particularly adapted to the cultivation of the torrid zones, and endowed with great physical vitality, became the serving-race *par excellence:* it has even been hunted down for purposes of procreation; hence that infamous traffic, called slave trade, and which is to-day interdicted by all civilized countries.

But there existed in the Middle Ages, and has subsisted even to these days, in Russia, for example, a relative slavery, less rigorous and odious, but which, though circumscribed within certain limits, was not the less a grave outrage to liberty. The serf was allowed a family, and even a certain

* *Esprit des Lois*, XV., iv. The stipulations which Montesquieu demanded have been made, and have led to the suppression, or at least to a great diminution, of the slave-trade.

amount of money; but the ground which he cultivated could never belong to him; and above all he could not leave this ground, nor make of his work and services the use he wished. It was certainly less of an injustice than slavery; but it was still an injustice. However, this injustice exists to-day no longer than as an historical memory. Morality has no longer anything to do with it.

It is the same with the restrictions formerly imposed on the freedom of work under the old administration (*ancien régime*), the organization of *maîtrises* and *jurandes*,* namely, and that of corporations; the work was under regulations: each trade had its corporation, which no one could enter or leave without permission. No one was allowed to encroach upon his neighbor's trade; the barbers defended themselves against the wig-makers; the bakers against the pastry-cooks; hence much that was wrong, and which those who regret this administration have forgotten.

But here again, it is the object of history to inquire into the good or the evil of these institutions; and these questions belong rather to political economy than to morals.

It is not the same regarding the abuse made of the work of children and minors, or the work of women. Severe laws have forbidden such; but it is always to be feared that manners get the better of the laws. The work of children and women being naturally cheaper than the work of men and adults, one is tempted to make use of it; but the work of children is improper because it is taking advantage of and using up beforehand a constitution not yet established, and also because it is thus depriving children of the means of being educated. As to girls and women, in abusing their strength, one compromises their health, and contributes thereby to the impoverishment of the race.

* By *maîtrise* was understood the rank or degree of master; and *jurandes* was the name of an annual office by means of which the affairs of the corporation were administered: it also meant the assembly of workmen, who had lent the customary oath.

Among the violations the liberty of work may suffer, we must not forget the threats and violences exercised by the workers themselves and inflicted upon each other. It is not rare, in fact, in times of strikes, to see the workmen who do not work try to impose, by main force, their will on those that are at work. Such violences, which have their source in false ideas of brotherhood (a mistaken *esprit de corps*), and in a false sense of honor, constitute, nevertheless, even when free from the coarse enmity of laziness and vice, waging war with work and honesty—a grave violation of liberty; and it may be considered a sort of slavery and servitude to suffer them.

It is the same with the attempts by which men try to forbid to women factory work, under pretext that it brings the wages down.

This reason, in the first place, is a bad one, because the woman's earnings come in the end all back to the family, increasing by that much more the share of each. But by what right should work be prohibited to woman more than to man? Certainly it would be desirable if the woman could stay at home, and busy herself exclusively with the cares of the household; but in the present state of things such an ideal is not possible. It is then necessary that woman, who has, like man, her rights as a moral personality, should be allowed by her everyday work to make a living, under the protection of the laws, and at her own risks and perils.

55. Moral oppression—Inward liberty and responsibility.—The question is not only one of corporal liberty, the liberty to work; the laws in a certain measure provide for that, and one can appeal to their authority for self-protection. But there may exist a sort of *moral bondage*, which consists in the subordination of one will to another. It is here that the respect we owe to others calls for a more delicate and a more strict sense of justice: for this sort of slavery is not so obvious, and the love we bear to others may be the very thing to lead us into error.

56. Violation of the honor of others—Backbiting and slander.—Among the first rights of a man, there is one sometimes forgotten, although it is one of the most essential, and this is his *right to honor*.

In our ignorance of most men's actions, and in all cases of the real motives of these actions, it is a duty for us to respect in others what we wish they should respect in us: namely, our honor and our respectability. In fact, it is very difficult for men to form true judgments regarding each other. For fear of committing an injustice, it is better not to judge at all than to judge wrongly.

There are two ways of violating other people's honor: *backbiting* and *slander*. Backbiting consists in saying evil of others, either deservedly or undeservedly; but when undeservedly, and especially when one knows it to be so, backbiting becomes slander. Backbiting may arise from ill-will or thoughtlessness, and slander is the work of baseness and perfidy.

Backbiting which consists in saying evil of others deservedly, is not in itself an injustice: there is to be recognized the right and jurisdiction of public opinion. The honest man should be held in greater esteem than the rogue, even though the latter cannot be reached by the law. Nevertheless, backbiting becomes an injustice through the abuse that is made of it. It is not a question of severe judgments touching actions deserving blame and contempt. It is a question of thoughtless and unkind judgments, and which we are all too easily and readily inclined to pronounce upon others, forgetting that we deserve ourselves as many and severer ones. How shall we conciliate, however, the just severity which vice deserves, with the spirit of kindness which charity and brotherly love demand of us? On the one hand, an excess of kindness seems to weaken the horror of evil, to put on the same level the honest man and the rogue; on the other, the habit of speaking evil weakens the bonds of human society, sets men against each other, and is always, in a certain measure, a shortcoming of sincerity; for

one hardly ever tells to people's faces the evil one says of them in their absence. It is not easy to find the just medium between these two extremes.

It may be laid down as a principle that, except the case where notorious vices, contrary to honor, comes into question, it is better absolutely to abstain from speaking evil of others. For, either the question is of persons one does not know, or knows imperfectly, and then one is never sure not to be mistaken; and most of the time one judges people on the testimony of others only, or one speaks of persons whom one knows, and with whom one stands in more or less friendly relations; and then backbiting becomes a sort of treason. Even deserved blame should not be a favorite subject of conversation: it is an unwholesome and ungenerous pleasure to lay any stress upon the weakness of others. If, at least, one accepted with it the right of others to judge us with the same severity, such reciprocal liberty might prove of some utility; but the backbiter nowise admits that he may be himself the subject of backbiting; and at the very moment when he criticises others, he would himself be very much offended if he learned that the same persons had, on their side, been doing the same in regard to him.

As to slander, it is not necessary to say much on the subject to show to what degree it is cowardly and criminal. What makes it, above all, cowardly is that it is always very difficult to combat and refute slander. Often, and for a long time, it is not known: at the moment when one hears of it, it has taken roots which nothing can destroy. One does not know who spread it, nor whom to answer. It is, besides, often impossible to prove a negative thing: namely, that one has done no harm, that one has not committed such and such an action, and said such or such a word. One always confronts the well-accredited saying: "There is no smoke without fire."

The wrong done by slander will be better understood by the description Beaumarchais has given of it:

"Slander, sir—you hardly know how great a thing you hold in con-

tempt : I have seen the best of people crushed by it. Believe me, is no flat malice, no hateful story, no absurd tale which a skil mischief-maker cannot make the idlers of a large town believe. . . . At first, a slight report, just grazing the ground as a swallow does before the storm : murmuring *pianissimo*, and spinning away, it launches in its course the poisoned arrow. A certain ear is open to take it in, and it is deftly whispered *piano, piano*, to the next. The harm is done ; it sprouts, crawls, makes its way ; and *rinforzando* from mouth to mouth, goes like wildfire ; then all at once, you scarcely know how, you see the slander rise before you, whistling, blowing, growing while you look at it. It starts, takes its flight, whirls about, envelops, pulls, carries everything along with it, bursts and thunders, and becomes a general cry, a public *crescendo*, a universal chorus of hatred and proscription.*

57. Rash judgments.—We call rash judgments ill-natured remarks made about others without sufficient knowledge of facts. It is through rash judgments one becomes often the accomplice of slander, without knowing it and without wishing it. Nicole, in his *Essais de Morale*, has thoroughly treated the question of rash judgments. We have but to give here a short *résumé* of his Treatise on this subject.

1. Rash judgments are a usurpation of God's judgment.

Rash judgments being always accompanied by ignorance and want of knowledge, are a manifest injustice and a presumptuous usurpation of God's authority.

2. This sin has degrees according to the *quality* of its object, the *causes* from which it springs, and the *effects* it pro duces.

The *quality* of the object increases it or diminishes it, because the more things are important the more is one obliged to be circumspect and reserved in the judgments one pronounces.†

The *causes* may be very different :

One falls into it sometimes simply from over-hastiness. Sometimes

* Beaumarchais, *Barbier de Seville.*

† Nicole does not give any examples ; but it is evident, for instance, that it is a graver fault to rashly incriminate the *integrity* of a functionary than his *incapacity*, the *chastity* of a woman than her *economy*.

we are led into it through the presumptuous attachment we have for our sentiments. But the most ordinary source of this ignorance is the maliciousness which causes us to see stains and defects in persons which a single eye would never discover in them. . . . It causes us to feel strongly the least conjectures, and enlarges in our eyes the slightest appearances. We believe them guilty because we should be very glad if they were.

The *consequences* of rash judgments are sometimes terrible and fatal.

The divisions and hatreds which disturb human society and extinguish charity come generally only from a few indiscreet words that escape us. Moreover, we do not always confine ourselves to simple judgments. We pass from the thoughts of the mind to the promptings of the heart. We conceive aversion and contempt for those we have thoughtlessly condemned, and we inspire the same sentiments in others.

Rash judgments are the source of what we call *prejudices;* or, rather, prejudices are but rash judgments fixed and permanent. . . . We portray human beings to ourselves from the inconsiderate remarks made about them before us, and we then adjust all their other actions to the ideas we have formed of them. It serves us as a key whereby to explain the conduct of these persons, and as a rule for our conduct towards them.

3. We are apt to delude ourselves as to the motives of the judgments we pronounce.

The manner in which we conceal from ourselves this defect is very delicate and very difficult to avoid. For it comes from the bad use we make of a maxim very true in itself when viewed generally, but which in private we imperceptibly pervert. This maxim is, that whilst it is forbidden to judge, it is not forbidden to see—that is to say, to give one's self up to convincing evidence. Thus, in making our judgments pass for views or evidences, we shield them from all that can be said against the rashness of our judgments.

To enable us to distrust this pretended evidence, it would only be necessary to call our attention upon those whom we think guilty of rash judgments in regard to us. They think as we do, that the rashest of their judgments are from observation evidently true. Who, then, will assure us that it is different with us, and that we are the only ones free from this illusion?

4. It is maintained that one cannot help seeing the faults of others: so be it; but one need not make it voluntarily an object.

It may be said that we cannot help but see. But that is not true. It is rare that our mind is so violently struck that it cannot help deciding. It is generally obliged to make an effort to look at things, and it is this voluntary looking at the faults of others which Christian prudence should correct in the persons whose function it is not to correct them.

5. Besides, even if we knew the evil for certain, it is not for us to make it known to others.

Whatever evidence we may think we have of the faults of our neighbor, Christian prudence forbids us to make these known to others when it is not incumbent on us or useful so to do. . . . This exercise does not only serve in regulating our speech and forestalling the consequences of rash judgments, but it is also of infinite service in regulating the mind and correcting the rashness of judgment at its very source; for one hardly ever allows one's mind to judge the faults of others, except to speak about them, and if one did not speak of them, one would insensibly stop trying to judge them.

6. But as it is not always possible to avoid judging, it becomes necessary to employ other remedies against the abuse of rash judgments.

(*a.*) "The remedy for malignity is to fill one's heart with charity; to think often about the virtues and good qualities of others.

(*b.*) "The remedy against haste is to accustom one's self to judge slowly and to take more time in looking at things.

(*c.*) "The remedy against the too strong attachment to our own sentiments is to continually remember the weakness of our minds and the frequent mistakes we, as well as others, make."

Nicole goes so far in proscribing rash judgments, that he even forbids them regarding the dead (xxxv.), regarding ourselves (xxxvi.), even when they have good rather than evil for their object (xxxvii.), even regarding abstract maxims of morality (xli.); and he concludes by saying that the only reasonable method is silence! We recognize here the rig-

orism of the Jansenists.* It suffices to say that, as a general principle, one should neither judge nor pronounce without investigation; but one must allow a little more latitude and liberty than does Nicole; for if all men agreed to keep silent, human society would be nothing but a semblance, a word void of sense. How could men get to love each other if they did not know each other? And how could they know each other if they did not talk to each other? We must, therefore, adhere to certain general principles without pretending to bring all words and thoughts under regulations.

58. Of envy and delation.—Among the vices which may lead to the greatest injustices, and which already in themselves are odious as sentiments, the most blameworthy and the vilest is the passion of *envy*. We call envious him who suffers from the happiness of others, him who hates others because of the advantages they possess and the superiority they enjoy. In the first place, this sentiment is an injustice; for the happiness of one is not the cause of another's misfortune; the health of one does not make the other sick; Voltaire's wit is not the cause of the mediocrity of our own talents; beautiful women are not answerable for the ugliness of other women. Let the ill-favored one accuse nature or Providence, and there will be some reason in it, though it is a bad feeling; for it is a want of resignation to a wisdom the motives of which we cannot always divine; but to accuse the favored of fortune, is a shocking baseness of the heart. It is the hateful feature of a celebrated sect of these present days; they desire not the happiness of all, but the misfortune of all. Unable to procure the same advantages to all men, their ideal is general destruction. Their utopia is just the reverse of all other utopias. These believed they could secure to all the advantages reserved to a few. This new utopia, persuaded of the impossibility of the thing, have overthrown the problem and propose to reduce the more fortunate to the

* Nicole belonged to the sect of the Jansenists, celebrated for the harshness and rigidity of their morality.

wretchedness of the less happy; and as among the number of heads they hit there are still some which retain a few advantages over the others, the work of destruction will go on till they shall have reached the level of universal degradation.

But, without speaking of the social envy, which has had so large a share in the revolutions of our time, what we ought above all to fight against is the individual envy which each of us has so much trouble in defending himself against in presence of the success of his neighbor. It is above all dangerous when *disputed* goods are in question—things all cannot have at the same time—and which he who is in the enjoyment of them seems thereby to rob the others of: as, for instance, a situation one obtains at the expense of another, be it that he is more deserving of it, or more favored by fortune. In the first case, one should be just enough to recognize the rights of others to these things, and in the second, generous enough to forgive them the favors of chance. It is wanting in personal dignity to begrudge men their chances and good fortune; and even were these chances undeserved, it is still lowering one's self to do them the honor of envying them.

Envy comes close to another sentiment, less odious perhaps, and less unjust, but which is, nevertheless, unworthy of a right-feeling man; this is *resentment*, *rancor*, a *vindictive* spirit. If we are commanded to return good for good, we are, on the other hand, forbidden to return evil for evil. For centuries it has been said: Eye for eye and tooth for tooth. This is called retaliation (*lex talionis*). Christian morality has reformed this law of barbarous times. "It is written: eye for eye, tooth for tooth; but I say unto you: Love those who hate you; pray for those who persecute you and speak evil of you." Without insisting here on the *love for enemies* (which is a duty of charity and not of justice), we will simply say that the spirit of vengeance is even contrary to justice. Nature, when we have been offended, calls forth in our hearts a spontaneous emotion, which inspires in us an aversion for the cause of the offense. This is a mere revolt of nature, inno-

cent in itself, since it is the principle of the right of self-defense. But we should not yield to this thoughtless impulse; we should combat the desire to return evil for evil; for otherwise we place ourselves on a level with him whom we hate. And here again we should distinguish between *anger* and *rancor*. Anger is the immediate impression we receive from the wrong committed, and which may induce us to return evil for evil on the spot; but *rancor* is hatred coldly kept up; it is the slow and calculated preparation for a revenge; it is the *remembrance* of wrong carefully nursed: and it is this which is contrary to human dignity. Man should remember good, not evil: he who is capable of hatred is worthy of hatred, and would seem to have beforehand deserved the wrong he has been made to suffer. We do not go so far as to say that wrong must be pardoned as wrong, for that would be siding with injustice; but it should be pardoned to human nature, because it is weak, and we are no less liable to sin than others.

From these feelings of hatred, envy, rancor, coveteousness, springs sometimes a vice which lowers the soul and corrupts it: this is *delation*. To report to one the wrong done by another; to superiors the wrongs done by our colleagues; to friends the evil said of them in their absence; to inform the authorities of the presence and lodgings of an outlaw, such are the faults designated by the term *delation*, and the essential characteristics of which are, that they are committed without the knowledge of the interested parties. It is evident, besides, that this term can nowise be applied to functionaries commissioned to watch and discover faults, or to those who complain of injustice done them, and finally where great crimes committed against society are in question, to those who, knowing the criminals, report them to the authorities.

59. Distributive and remunerating justice—Equity.—All the acts we have thus far enumerated, and which consist

in doing no wrong to others, relate to what may be called *negative* justice.*

There is another kind of justice, more positive, which consists, like charity, in doing good to others, not in the sense of liberality and a gift, but as a debt; only the question then is not a material debt, which obliges to return a thing loaned, or intrusted, or the venal value of that thing; but it is a moral debt in proportion to the merit and services it relates to. This kind of justice, which distributes goods, advantages, praises in proportion to certain efforts, capacities, virtues, is what is called *distributive* justice, and, inasmuch as it rewards services, *remunerating.*

Distributive justice goes into effect every time when there is occasion to classify men, to distribute among them offices, ranks, honors, degrees, etc. It is that which especially administrators who distribute places, have to exercise; also, examiners who give diplomas, learned societies who grant prizes, or take in new members; finally, critical judges who appreciate the merit of books, works of art, dramatic productions.

The administrators who have to fill posts, must above all consider the interests of the situation which is to be filled. Favoritism should be strictly excluded: the misuse of testimonials has been often pointed out; it is the plague of our administrations. They have not always all the influence attributed to them; but it is enough that it is thought they have any, to give rise to bad habits and a very serious laxity of morals. They make you believe that success does not wholly depend on conscientious work, and that it requires, above all, the favor of the great (protections). It is, there-

* It is also called *commutative* justice, somewhat improperly, in taking for its type the act of exchange, where one gives the equivalent of what he receives; but this expression is only truly correct when it touches upon property, and particularly upon sale, trust, loan. But the term *commutative* has no longer much meaning when applied to the respect due to the life, the liberty, or the honor of others. Nevertheless, it is necessary to be familiar with the expression, as it is usually opposed to *distributive* justice.

fore, the duty of administrators to consider the merit of functionaries only, and not their patrons.

But even this rule is far from being sufficient: for personal merit is not everything; is not the only element to be considered; age, length of service, have also their value; for, in order that the State be well served, it is necessary that those who work for it, should have faith in the future; should know that their past services will be taken account of, that as they grow older and their burdens heavier, the State will come to their assistance in raising their functions. Thus must length of service be combined with merit and be itself a part of the merit. In many administrations, the division between these two elements is made by granting vacant posts half to length of service, half to choice. But the choice itself depends on various elements; for personal merit is itself composed of many elements: for example, which should be considered the higher, talent or work? A lively mind will accomplish more work in less time; but it may be negligent, forgetful, disorderly: a substantial mind, always ready, industrious, conscientious, offers better guarantees and more security; yet in difficult transactions, talent offers more resources. This shows how many practical difficulties have to be met in the choice of men. It is for experience and conscience to decide in each particular case. Morality can give no general rules, except negative rules: to avoid *nepotism*, *simony*,* guard against the arbitrary, against favor, testimonials, etc.

In examinations there are the same dangers to avoid: for here, also, it is unfortunately too much a general belief that favoritism is the rule, and that testimonials go for everything. The first duty is to set aside all personal interest, worldly influence, pressure from without. But all does not

* *Nepotism* is the custom of advancing to desirable posts the members of one's family; *simony* (which has especially to do with the Church) consisted in the purchase of the ecclesiastical functions: the term may also, by extension, be applied to lay functions.

end here; for there remains to be seen what rule is to be followed in the choice of candidates.

If the number of those who are to be elected is fixed beforehand, as in contests, there is then already a great difficulty obviated: for there is but to be determined the order of merit of the candidates. But in many examinations the number is not fixed. It becomes then necessary to find a just medium between excess of severity and excess of indulgence. This medium is generally determined through the co-operation of different minds, of which some are inclined to severity and others to indulgence. But one must not trust to this co-operation of others to arrive at a strict justice. It is clear that each, for his own part, must fix upon a mean, and endeavor to adhere to it as strictly as possible. In cases where there is occasion for classification, one must, above all, consider the more substantial qualities, and not allow one's self to be too easily led away by mere appearances and surface-talent.

Thus, facility of speech, which in itself is a merit, should not have any advantage over sound learning, especially in regard to functions where speech-making plays no part. Presence of mind, ready wit, are also brilliant and precious qualities, but the absence of which does not always denote ignorance and incapacity.

In learned or political societies, which are recruited among themselves, the same principles of independence and impartiality should always predominate, except in cases of difference in circumstances. Talent is here the principal thing to go by, and which should prevail; length of service counts for nothing except where the merit is equal. The interest of science in learned societies, the interest of the State in political societies, should be the prime considerations.

Literary or artistic criticism comes under the same rules, only it has not for its object persons, but works. Here the danger to be feared is not exactly favor, but good fellowship: one upholds the other, the praise is mutual, and all severity

is reserved for those who do not belong to the society. But, whether good fellowship or favor, all privilege-preference substituted for the esteem the thing should be held in for its own sake, is contrary to justice. Criticism may, of course, be more or less severe—more or less laudatory ; there is as much impropriety in constant blame as in constant praise ; one must strike as near as possible a just mean between the two, and this mean may not be the same with the different critics ; here comes in the part which individual temperament plays in the matter. But whatever rule each may adopt for himself, they must all apply it to the same end : there must be no undue respect for the person, and the interest of art must be alone considered.

CHAPTER VI.

DUTIES OF CHARITY AND SELF-SACRIFICE.

SUMMARY.

A retrospect of what distinguishes justice and charity.

Duties of kindness.—The lowest degree of charity is *kindness:* to wish others well leads to *doing* them good.

Civility.—*Personal civility;* civility of the mind; civility of the heart.

Modesty.—Modesty is as much a duty to others as to ourselves.

Peace among men.—Analysis of Nicole's dissertation *on the means of preserving peace among men.*—Citations from Kant on *society virtues.*

Duties of friendship.—Citations from Aristotle and Kant.

Duties of benevolence.—*Duties minima:* services which cost nothing.—Hospitality with the ancients.

Good deeds.—Analysis of Seneca.

Duties of benefactors.—1, The benefaction consists rather in the sentiment than in the thing given; 2, one should not trouble one's self if the benefaction results in ingratitude; 3, degrees in benefactions: the necessary, the useful, the agreeable; 4, the manner of giving is often better than the gift itself; 5, one should not reproach benefactions; 6, benefaction consists sometimes in refusing; 7, benefaction should be disinterested.

Duties of the person under obligation:—1, Not to be too greedy; 2, a kindness should be accepted cheerfully; 3, one should remember a kindness.

Kant's rules regarding benevolence and gratitude.

Precautions required by benevolence: Cicero's rules.

Self-sacrifice.—Different forms of self-sacrifice: The life, the property, the morality of others, etc.; clemency; forgiveness of injuries; love of enemies.

We have said that charity consists, above all, in doing good to men, whilst justice consists in doing them no wrong. It is

true, there is a *positive* justice, as there is a *negative* justice; and this positive justice consists also in doing good to men, but it is a good which is *due* them, which belongs to them by right, and which is itself an acknowledgment of that due and that right.

The good done to others in the exercise of the duties of charity is, on the contrary, something we take from our own; it is a *gift;* whilst the good done in the name of justice, is always a *debt.*

The lowest degree of the duty of charity consists in what are called duties of *kindliness.*

60. Duties of kindliness.—The first step to arrive at *doing* good to men, is to *wish* them well. *Kindliness* is the road to *benevolence.*

Kindliness is that disposition which induces us to give others pleasure; to rejoice over their good fortune, to make them happy themselves, if not by our own kindnesses, if that is not in our power, at least by outward demonstrations of sympathy and affection.

61. Civility.—The lowest degree of this virtue, consists in using gentle and amiable manners in our intercourse with others, in not repelling them by a gruff and unsociable disposition; in wounding no one's feelings by the affectation of contempt and raillery, etc. This kind of surface-virtue, which is confined to the outward, is what is called *civility.*

Civility is the *ensemble* of the forms usage has established to regulate the habitual and daily relations of men with each other. It corresponds in society to the ceremonial of diplomatic life. To avoid the clashes which the rivalries of courts and powers would necessarily carry with them, a code of agreements was established which fix with precision the relations of the diplomatic agents. The same in social life. Civility is composed not of absolute and wholly material rules, but of forms fixed in a general way, yet more or less free in their application, and all the more pleasing as they are the more free. These forms, often laughed at when regarded

superficially, have a serious value when we consider that they express the general duty whereby peace is established and maintained among men. (See Nicole, *Essais de morale*,* 1671.)

There is, then, in civility a principle which is *essential* and a form which is *arbitrary*. Usage has everywhere established the form of bowing, for instance; everywhere there are conventional expressions wherewith to greet people according to their age, their sex; but these outward manifestations vary according to times and countries.

A distinction has been made between *personal* civility and the civility of the *mind* and *heart*. Civility properly so called is that of the outward manners; but it is worth very little if it is not sustained by the delicacy which says nothing wounding and the true kindliness which seeks to give pleasure: this is what is called civility of the mind and heart.

"The most amiable natural gifts, and the talents made most supple by education, change into defects and vices if they are not inspired by a feeling of kindness. Suppleness, then, is nothing else than perfidy; delicacy nothing else but cunning; this civility lavished upon everybody is nothing else than duplicity . . . It is not enough to be a man of the world; one must also be a man of heart . . . True civility is that which has its source in justice, in the respect for humanity; it is a form of charity; it is the luxury of virtue." †

62. Modesty.—One of the most essential parts of kindness is *modesty*. Modesty is certainly a duty we owe to ourselves; but it is also a duty we owe to others. Nothing more fatiguing than people who bring everything back to themselves, and can speak of nothing but themselves. It is not by appearing satisfied with your own accomplishments, but in having others satisfied with them, that you will please; and they will never find you more charming than when, completely forgetting yourself, you will be only occupied with them. To

* We give on the next page an analysis of this Essay.

† Jouffret, *De la politesse* (*A Lecture at the distribution of prizes at the Tournon Lyceum*, Tournon. 1880).

succeed in making them satisfied with themselves, is the true means of having them satisfied with you.

Among remarkable instances of modesty often cited, are those of Turenne and Catinat. The latter having sent in a report of the battle of Marsaglia, had so totally forgotten to mention himself that some one ingenuously asked : " Was the marshal present ? "

62 (*bis*). **Peace among men.**—" You have but a day to spend on earth," says Lamennais ; " try to spend it in peace."*

Nicole has written an excellent treatise on *the means of preserving peace among men* (*Essais de morale*, 1671). Let us give a résumé of it.

Two causes, according to Nicole, produce disunion among men : either *in wounding* their feelings we cause them to withdraw from us, or, in *being wounded* ourselves, we withdraw from them."

Consequently, " the only means of avoiding such divisions is not to wound the feelings of others, and not to feel one's self wounded by them."

1. If we look into the causes which generally give offense, we shall see that they may be reduced to two, which are : " to contradict people in their opinions, and to oppose their passions."

" 1. *Opinions.*—Men are naturally attached to their opinions, because they desire to rule over others : now we rule through the trust that is placed in us ; it is a sort of empire to have one's opinions received by others.

" For this reason, when one seeks to combat the opinions of a man, one does him in some sort injury. It cannot be done without giving him to understand that he is mistaken ; and he does not take pleasure in being mistaken. He who contradicts another on some point, pretends to more knowledge than has he whom he wishes to persuade ; he thus presents to him two disagreeable ideas at the same time : one, that he is deficient in knowledge, and the other that he who corrects him surpasses him in intelligence."

One should, therefore, spare people in their opinions ; but

* Lamennais, *Paroles d'un Croyant*, xv.

among these opinions there are some which must be treated with more regard than others:

"They are those advanced by no one particular person of the place where one may live, but which are established by universal approbation: in running against such opinions, one appears wishing to rise above all the rest."

Not that one should always scruple in conversation to show that one does not approve some opinions: that would be destroying society, instead of preserving it. . . .

"But it is a thing worth pointing out how one may express his sentiments so gently and agreeably that they give no offense. . . . For very often it is not so much our sentiments that shock others, as the proud, presumptuous, passionate, disdainful, insulting manner in which we express them."

There are, then, several mistakes to be avoided:

(*a*) The first is *assumed superiority*, that is to say an imperious manner in the expression of one's sentiments, and which most persons resent, as much because it shows a proud and haughty soul, as because it indicates a domineering spirit tyrannizing over minds.

(*b*) The second is the decided and dogmatic manner in which an opinion is given; as if it could not be reasonably contradicted.

(*c*) *Vehemence* does not belong to the mistakes we have just spoken of. It consists in conveying the impression that one is not only attached to one's sentiments from conviction, but also passionately, which furnishes many people a reason for suspecting the truth of those sentiments, thus inspiring in them a wholly contrary feeling.

(*d*) The contempt and insults which enter into disputes, are so obviously shocking, that it is not necessary to warn against them; but it may be well to remark that there are certain rudenesses and incivilities nearly akin to contempt, although they spring from another source. Change of opinion is in itself such a hard thing, and so contrary to nature, that we must not add to it other difficulties.

(*e*) Finally, *hardness*, which does not so much consist in the hardness of the terms employed as in the absence of certain softening words, also often shocks those thus addressed, because it implies a sort of indifference and contempt.

2. *Passions.*—It is not enough to avoid contradicting people's opinions, or to do so cautiously only; one must also

spare their *inclinations* and their *passions*, because otherwise, it is impossible to avoid complaints, murmurs, and quarrels.

These inclinations are of three kinds: which may be called *just*, *indifferent*, and *unjust*.

(*a*) One should never really satisfy the unjust ones; but it is not always necessary to oppose them; for it is wounding others to make one's self conspicuous without particular reason. . . . One must always make amends for good and evil. . . . especially when there are others who could do it with better results than we.

Besides, "this same rule obliges us to choose the least offensive, the gentlest, the least irritating means."

(*b*) I call indifferent passions those the objects of which are not bad in themselves, although they may be sought after with a vicious adhesion. Now, in this sort of things we are at greater liberty to yield to the inclinations of others: 1, because we are not their judges; 2, because we do not know whether these affections are not necessary to them (leading them away from still more dangerous objects); 3, because these sorts of affections must be destroyed with prudence and circumspection; 4, because there is reason to fear we might do them more harm in indirectly opposing their innocent passions, than we should do them good in warning them against them.

(*c*) I call *just* passions, those in which we are obliged to follow others by reason of some duty, although they might perhaps not be justified in requiring of us such deference.

The peace of society resting thus on reciprocal esteem and love, it is just that men should wish to be esteemed and loved, and should demand outward signs of esteem and love. Upon this rest the rules of civility established among men, and of which we have spoken above.

II. It is not enough to avoid wounding men's feelings, one should, moreover, not allow one's self to *feel wounded* by them, when they themselves fail to treat us as we ought to treat them.

For it is impossible to practice inward peace, if we are so sensitive to all that may be done and said contrary to our inclinations and sentiments; and it is even difficult to prevent the inner dissatisfaction from showing itself outwardly, and inducing us to treat those who have shocked us in a manner calculated to shock them in their turn.

It is, then, necessary to avoid complaining of others, when one has been offended by them. In fact:

. . . Let us complain of others as much as we please, we shall generally only embitter them the more, without correcting them. We shall be accounted sensitive, proud, haughty . . and if those we complain of have any sort of skill, they will give such an aspect to things that the blame will fall back upon us.

We must then endeavor to establish our peace and quiet on our own reformation and on the moderation of our passions. We cannot dispose of the minds or the tongues of others. . . . we are enjoined to work on ourselves and to correct our own faults.

There is nothing more useful than to suppress one's complaining and resentment. It is the surest way to appease differences at their birth and prevent their increase; it is a charity we practice towards ourselves by procuring to ourselves the good of patience . . . it is a charity we do to others in bearing with their foibles, in sparing them the little shame they have deserved, and the new faults they might commit in justifying themselves.

But it is not possible for us to observe outwardly such discretion, if we allow our resentment to work inwardly in all its force and violence. The outward complaints come from the inward, and it is very difficult to hold them back, if one's mind is full of them; they always escape and break through some opening or other. . . . We must, therefore, also quench the complaints which the soul engenders.

Among the subjects of complaint which other men give us, and which should be treated with contempt, Nicole points out particularly:

"False judgments, slander, rudeness, negligence, reserve, or want of confidence, ingratitude, disagreeable tempers, etc."

Let us merely repeat what he says of the unfavorable judgments of others regarding us:

"There is a ridiculous oddity in this spite which we feel when we hear of the unfavorable judgments and remarks made about us; for one must have very little knowledge of the world to suppose it generally possible that they would not be made. Princes are talked against in their ante-chambers; their servants mimic them. There is nothing so common as to speak of the defects of one's friends and pride one's self in pointing them frankly out to others. There are even occasions when

this may be done innocently. . . . It is, therefore, ridiculous to expect being spared. . . . for there is no time when we may not be generally sure either that people talk or have talked about us otherwise than we should wish. . . . We show annoyance at these judgments when they are expressly reported to us. . . . yet the report itself adds next to nothing to the matter, for before it was made we ought to have been almost sure that we and our faults were unpleasantly commented on. . . . If this resentment were just, one would then have to be always angry, or never so, because it is unjust. But to keep very quiet, as we do, though we should know that there are people laughing at us, and to be disturbed and upset when we are told what we already knew, is a ridiculous foible."

63. Social virtues – Kant's advice.—Kant has also treated the duties of kindness towards men, under the title of *Social Virtues.**

"It is a duty to one's self as well as to others to carry the commerce of life to the highest degree of moral perfection; not to *isolate* one's self; not only to have the happiness of the world in view ideally, but to cultivate the means which indirectly lead to it; urbanity in social relations, gentleness, reciprocal love and respect, affability and propriety, thus adding the graces to virtue, for this also is a duty of virtue.

"These, it is true, are but external and accessory works, presenting a fine appearance of virtue, which, however, deceives no one, because every one knows how much to think of it. It is but a sort of small coin; but the effort we are obliged to make to bring this appearance as near to the truth as possible, helps the sentiment of virtue greatly along. An easy access, an amiable mode of speech, politeness, hospitality, that gentleness in controversy which keeps off all quarrel—all these forms of sociability are external obligations which put also the others under obligation, and which favor the sentiment of virtue in rendering it at least amiable.

"Here arises the question to know whether one can keep up friendly relations with the vicious.† One cannot avoid meeting them; for one would have to quit the world, and we are not ourselves competent judges in respect to them. But when vice becomes a scandal—that is to say, a public example of contempt of the strict laws of duty, thus carrying with it opprobrium—then one should stop all relations one may have had

* Kant, *Doctrine de la vertu*, trad. Barni, p. 160.

† It is the question debated between Alceste and Philinte in the first scene of the *Misanthrope*.

heretofore with the guilty person ; for the continuation of this relation would deprive virtue of honor, and make of it a merchandise for the use of whoever were rich enough to corrupt parasites through the pleasures of good living."

64. Duties of friendship.—Besides the general duties of every kind which link us with all men, for the only reason that they are men, there are particular duties imposed on us toward those of our fellow-beings, to whom we are united by the bonds of friendship.

The duties of friendship have been admirably known and described by the ancients. We could not, therefore, treat this subject better here than by briefly recalling some few passages from Aristotle or Cicero.

According to Aristotle, there are three kinds of friendship : the friendship of *pleasure*, the friendship of *interest*, and the friendship of *virtue*. The latter is the only true one.

"There are three kinds of friendship. . . . The people who love each other from interested motives, for the use they are to each other, love each other, not for their own sakes, but only inasmuch as they get any good or profit from their mutual relations. It is the same with those who only love each other for pleasure's sake. When one loves from motives of pleasure only, one really seeks nothing else but this same pleasure. Such friendships are only indirect and accidental. They are very easily broken, because these pretended friends do not long remain the same.

"Utility, interest, have nothing fixed ; they vary from one moment to another. The motive which originated the friendship disappearing, the friendship disappears as rapidly with it.

"The perfect friendship is that of virtuous people, and who resemble each other in their virtue ; for these wish each other well, inasmuch as they are good ; and I add that they are good in themselves. Those who wish their friends well from such a noble motive are the friends *par excellence*. Hence it is that the friendship of such generous hearts lasts as long as they remain good and virtuous themselves ; now virtue is a substantial and durable thing. Each of the two friends is in the first place good in himself, and he is, moreover, good to all his friends, for good people are useful to each other, and also mutually agreeable to each other. Such a friendship unites, then, all the conditions. There is nothing more lovely. It is quite natural, however, that such friend-

ships are very rare, because there are very few people of such a disposition. It requires, moreover, time and habit. The proverb is true which says that people can hardly know each other well, 'before having eaten together bushels of salt.' In the same way persons cannot be friends before having shown themselves worthy of affection, before reciprocal confidence is established." (Nicomachean Ethics, liv. viii., ch. vii.)

Friendship, according to Aristotle, consists in *loving* rather than in *being loved.*

"Friendship, besides, consists much rather in loving than in being loved. The proof of it is the pleasure mothers experience in lavishing their love . . . To love is, then, the great virtue of friends; it is thus that the most unequal of people may be friends; their mutual esteem renders them equals." (Ch. viii.)

Friendship gives rise to a number of delicate problems: they may be found discussed in great detail in Cicero's *Treatise on Friendship.*

65. Kant's precepts touching friendship.—Among the moderns, Kant is the only moral philosopher who has given friendship a place in practical morality. He has found new and delicate traits to add to the rules of the ancients. He insists above all on what he calls "the difficulties of friendship," and above all on the difficulty of conciliating "love and respect."

"To look at the moral aspect of the thing," he says, "it is certainly a duty to call a friend's attention to the mistakes he may commit; for it is done for his good, and is consequently a duty of love. But the friend, thus admonished, sees in the thing but a lack of esteem he had not expected, and thinks he has lost something in your mind; or, seeing himself thus observed and criticised, may at least be in constant fear of losing your esteem. Besides, the fact alone of being observed and censured, will already appear to him an offensive thing in itself.

"How much in adversity do we not wish for a friend, especially an effective friend, one finding in his own resources abundant means for helping us? Yet is it a very heavy burden to feel one's self responsible for the fortunes of another, and called to provide for his necessities . . . Then if the one receives a kindness from the other, perhaps there may be yet reason to hope for perfect equality in love; but he could no

longer expect perfect equality in respect ; for being under obligation to one he cannot oblige in his turn, he feels himself manifestly one degree his inferior. . . . Friendship is something so tender that if one does not subject this reciprocal abandonment and interchange of thoughts to principles, to fixed rules, which prevent too great a familiarity and limit reciprocal love by the requirements of respect, it will see itself every instant threatened by some interruption. . . . In any case affection in friendship should not be a passion ; for passion is blind in its choice, and evaporates with time.*

66. Duties of benevolence.—Duties minima.—From *kindness* we pass to *benevolence*. The one resides in sentiment, the other in acts : the first consists in *wishing* well, the second in *doing* good.

The least degree of *benevolence* consists in rendering to others those smaller services which cost us nothing, and which are helpful to them. It is what Puffendorf calls the *duties minima* of benevolence.†

Cicero, in his *Treatise on duties* (I., xvi.), gives several examples of this kind :

"To show the way to him who asks for it ; to forbid no one the use of running water ; to give fire to him who has need of it ; to give advice in good faith to him who is in doubt."

Plutarch, in the same sense, says that the Romans never extinguished their lamps after their meals, and always left something on the table to accustom the servants of the house to the duties of humanity. By the law of Moses, the owner of a field was obliged always to leave some corner uncut and not glean the ears that had escaped the reapers. Finally, a Greek poet, Phocylides, expressed in the following lines this minimum of benevolence which every one can exercise :

"Give shelter to those who have none ; lead the blind ; be merciful to those who have suffered shipwreck ; extend a helping hand to the fallen ; assist those that have no one to help them out of danger."

Among these primitive duties, which cost him that fulfills

* Kant, *Doc. de la vertu*, trad. de Barni, p. 155.
† See Puffendorf, *Droits de la nature et des gens*, III., ch. iii.

them but little, the ancients put in the first rank *hospitality*. It is in fact a virtue of primitive times which exists especially among barbarous and savage peoples. In the poems of Homer we see to what degree the guest was held sacred; it is still so among the Arabs and the Indians of America. This virtue, on the contrary, seems to have disappeared with civilization. The reason of it is that among barbarous populations, where security is feeble, it was the point of honor which guaranteed the security of strangers. But as civilization becomes more complicated, as traveling increases, and security becomes greater, mercenary hospitality takes the place of free and private hospitality. Nevertheless, there can always remain some occasion for this primitive virtue in places isolated and separated from the great centres: this, for example, can still be seen in our days in the great wastes of America and Australia.

67. Benefactions—Duties of the benefactor.—The foregoing actions, however praiseworthy they may be, are too simple and too easy to be presented as real acts of benevolence. This term is reserved for the more difficult actions, which may cost us some real sacrifices more or less great, and which, moreover, are important services. These are what are called benefactions.

Seneca, in his *Treatise on benefactions*, has fixed the principles of benevolence:

1. Benefaction consists especially in the feeling which accompanies it, rather than in the thing given.

"What is a benefaction?" he asks; "it is an act of benevolence which procures joy to him who is the object of it and to him who exercises it: it is a voluntary and spontaneous act. It is then not at the thing done and given that we must look, but at the intention, because the benefaction does not consist in the gift or in the action, but in the disposition of him who gives. The proof of this difference is that the benefaction is always a good, whilst the thing done or given is neither a good nor an evil. The benefaction is then not the money that is counted out to you, the present that is made you; no more than the

worship of the gods consists in its fattest victims, but in the uprightness and piety of their worshipers.

"One prefers a hand that opens easily to one that gives largely. He has done little for me, but he could not do any more. That other has given much, but he hesitated, he delayed, he groaned in giving, he gave with ostentation; he proclaimed his good deed; he did not care to please him whom he obliged: it is not to me he gave, it is to his vanity." (I., vi.)

2. One should do good without caring about ingrates.

"What is after all the wrong the ingrate does you? You have lost your good deed. But there remains to you the most precious part of it: the merit of having done it. There are services one should learn how to render without hope of returns, to people one may presume will be ungrateful, and whom one even knows to have been so. If, for example, I can save from a great peril the children of one who has been ungrateful to me, I shall not hesitate to do so." (I., x.)

3. There must be degrees in benefactions, and, having to choose, one must first give the *necessary*, then the *useful*, then the *agreeable*.

"The necessary," says Seneca, "is divided into three classes: the first comprises the things without which one cannot live (for example, to rescue a man from the sword of the enemy, from the rage of tyrants, from proscription, etc.); the second, those without which one should not live (such as liberty, honor, virtue); finally (3d class), our children, our wives, our household gods are objects dearer to us than life.—After the necessary comes the useful; it may be subdivided into a great number of species; it comprises money, honors, and above all the progress in the science of virtue.—Finally come the agreeable things which are innumerable. . . Let us seek things which please because they are to the purpose; that are not common; that recall the donor; let us above all beware of useless presents." (I., xi.)

4. The manner of granting a benefit is more important than the benefit itself.

"The simplest rule to follow is to give as we should ourselves wish to be given to.

"One must above all give heartily, without hesitation . . . after a refusal nothing so hard as irresolution. . . The most agreeable kindnesses are those one does not expect, which flow naturally; which anticipate

their need. It is better to anticipate the request. To forestall this trouble is doubling the good deed.

"There are people who spoil their greatest kindnesses by their silence, their slowness to speak which comes from constraint and moodiness; they promise with the same air with which they would refuse. . . . Their knit brows, their harangues, their disdain make one regret having obtained the promised thing.

"Nothing more disagreeable than to be a long time in suspense. There are persons who prefer giving up hope to languishing in expectation. . . . Promptness then enhances the good deed, and tardiness diminishes it." (II., ii-vi.)

5. One must not reproach good deeds.

"One of the first and most indispensable laws, is not to reproach or even recall to the mind of recipients one's kindnesses. The tacit agreement between the giver and the receiver is, that the one should immediately forget what he has given, and that the other should never forget what he has received. The frequent mention of kindnesses is a crushing weight to the soul."

6. Benevolence consists sometimes in refusing.

"If the thing asked for is prejudicial to him who asks for it, then benevolence consists no longer in giving, but in refusing. We should have more regard to the interests of the petitioner than to his wishes. As we refuse patients cold water, arms to angry persons, so should we also refuse a kindness to the most pressing requests, if that kindness is injurious to the interested person. . . One should no less consider the end than the principle of kindnesses."

7. Benevolence must be disinterested.

"It is shameful to do good for any other motive than doing good. If one gave only in the hope of restitution, one would choose the richest in preference to the most worthy. . . The least benevolent men would be those who had the best means for being benevolent: the rich, the great, the king, etc. . . . As an insult is a thing one should for itself avoid, so benevolence is desirable for its own sake (xv.) . . . There is no benevolence where there is expectation of profit. I shall give so much; I shall receive so much: this is called a bargain." (xiv.)

We will put aside the other questions, more curious than useful, raised by Seneca (as, for example, whether one should give to the wicked; whether one may be his own benefactor;

whether one may allow himself to be outdone by good deeds, etc.), and consider now the duties of the one under obligation.

68. Duties of the person under obligation.—*Gratitude.* —After having expounded the duties of the benefactor, we have to ask ourselves what are those of the person under obligation. The principle of all is *gratitude;* that only comes after the kindness; but there are duties which precede the good deed or accompany it. We shall again cite here Seneca as authority. After having set forth the principles which should actuate the giver, he also sets forth those the receiver should be guided by.

1. The first principle is that we should not be too greedy and receive from any one, but only from those to whom we should like to give ourselves:

"It is a painful thing to be under obligations to people against one's will. Nothing sweeter, on the contrary, than to receive a kindness from a person one loves. . . I must then choose the person of whom I consent to receive anything, and I should even be more particular in regard to kindness-creditors than to money-creditors; to the latter one need only return what he has received from them; this reimbursement done we have acquitted ourselves toward them; in the matter of kindnesses, on the contrary, one should pay more than what he has received."

2. A second rule is that from the moment one accepts a kindness, he must accept it cheerfully.

"When we have concluded to accept a kindness, let us do it cheerfully. . . . To accept a kindness with pleasure, is making the first payment of the interest (II., xxii.).—There are people who only consent to receive in secret; they wish neither witnesses to, nor confidants of, the obligations they are contracting. If the benefactor is bound to proclaim his kindness only inasmuch as its publicity will give pleasure to the person he obliges, the one receiving should, on the contrary, call together the crowd. One is at liberty not to accept what he blushes to receive (xxxiii.). . . . One of the lesser paradoxes of the stoics is, that in receiving a kindness cheerfully, one has already acquitted himself."

3. One must awaken the remembrance of a good deed: *to remember is already to acquit one's self* (xxiv.).

"Which, according to you, is the most culpable, he who feels no gratitude for a kindness, or he who does not even keep it in mind? . . . It would seem that one thought very little about restitution when he has got so far as to forget the kindness. . . . To acquit one's self of a kindness, one needs means, some fortune; but the recollection of it is a gratitude which costs nothing. To withhold a payment which requires neither trouble nor riches, is inexcusable. . . . The objects memory is busy with never escape it; it only loses those it does not often revert to."

69. Kant's rules touching benevolence and gratitude.—To the maxims of the ancients which we have just summed up, let us add a few principles borrowed of a modern moralist, the philosopher Kant:

Benevolence.—Benevolence, when one is rich, and finds in his superfluity the means of making others happy, should never be considered by the benefactor even a meritorious duty. The satisfaction he procures to himself thereby, and which does not cost him any sacrifice, is a means of filling himself with moral sentiments. Therefore must he carefully avoid looking as if he thought he was obliging others; for otherwise his kindness would no longer be one; since he would seem wishing to put under obligation the person to whom he grants it. He should, on the contrary, show himself under obligation, or as honored by the acceptance of his kindness, and consequently fulfill this duty as he would pay a debt he had contracted; or, what is still better, practice benevolence wholly in secret. This virtue is still greater when the means for being benevolent are restricted: it is then he deserves to be considered as *very rich* morally. (Kant, *Doctrine de la Vertu*, trad. Fr., p. 128.)

Gratitude.—Gratitude should be considered a *holy* duty. We call, in fact, holy any moral object regarding which no act could entirely acquit one of the contracted obligation. Now there is no way of acquitting one's self of a benefit received, because he who receives it cannot refuse to him who grants it the merit and advantage of having been the first in showing his kindness.

The least degree of gratitude is to render to the benefactor *equivalent services.* It is, also, never to look upon a kindness received as upon a burden one would be glad to be rid of (under pretext that it places the one under obligation in a position inferior to that of his benefactor, which is wounding to his pride). One must, on the contrary, accept it as a moral kindness, that is to say, as furnishing us an opportunity to practice a virtue. (Ibid., p. 130, 132.)

70. Precautions which benevolence requires.—Benevolence should not be exercised without reserve and precaution. In abandoning one's self to it imprudently, one may do more harm than good. Cicero on this subject recommends three principal precautions:

"One must take care," he says:

"1. Lest, in wishing to do a person good, one does harm, either to him or to others;

"2. In the second place, let not our benevolence exceed our means;

"3. Finally, let every one be treated according to his deserts."

1. Those, in fact, whose benevolence injures him who is the object thereof, should be looked upon as flatterers, rather than generous men. Those who injure some, to be generous towards others (as, for example, to omit paying one's debts, in order to exercise charity), commit the same injustice as if they appropriated what belongs to others. Thus, when Sylla and Cæsar transferred to strangers the property of lawful owners, they were not generous; liberality may exist then where justice is absent.

2. The second precaution is to exercise our benevolence according to our means. Those who wish to be more benevolent than they can afford, are in the first place unjust to their family; since the property, to the inheritance of which it has a right, goes thus over to strangers. Such generosity often leads, moreover, to the enriching of one's self at the expense of others, in order to provide for liberalities. One sees, thus, many people, more vain than generous, pass for being benevolent. It becomes then a borrowed virtue, which has more of vanity than liberality.

3. The third rule is, whilst dispensing our liberalities, to proportion them to merit; to consider the morals of him who is their object, the attachment he shows us, the different relations he may have with us; lastly, the services he may have rendered us. It were desirable he had all these titles to our benevolence; but if he has them not all, the greatest and largest in numbers should weigh most in the scales.

71. Self-devotion—Self-abnegation—Sacrifice.—When charity reaches the highest degree; when it requires we should give to others what we hold most dear—as, for instance,

life, fortune, etc.—it takes another name and is called *devotion, self-abnegation, sacrifice.* These three words, with various shadings, express the idea of a precious gift of which one deprives himself to benefit others. One may devote one's self to others in various ways, in choosing for one's object either the life, or welfare, or liberty, or the morality and intelligence of others. Let us examine these various forms of devotion.

72. The nature of the benefit.—Diverse forms of self-devotion.—The life, the welfare, the morality of others, etc.—*Sacrificing one's life for others.*—Justice requires we should not attack the life of others; charity requires more: it demands that we make every effort to save the life of our fellow-beings, even sometimes at the cost of our own.

This duty, which is a duty of charity for men in general, is a duty of justice for the physician and all those who have care of the sick. The physician owes his devotion to the patient, as the soldier owes his to his country. In both these cases *medical duty, military duty,* devotion is a strict duty. It is at the same time a duty towards men and a duty towards the profession. It is in both cases what may be called the *honor of the flag.* Thus do we every year see a certain number of young hospital physicians die, like soldiers on the field of honor.

The duty of attending the sick and being thereby exposed to contagion, falls alike on all who have chosen this profession: sisters of charity, the nurses, the male and female attendants in infirmaries. It is also a duty in the family; the parents owe themselves to their children; the servants themselves should assume in a certain measure the same responsibility, although it is the duty of the masters to spare them as much as possible. Moreover, it is known how common this devotion is, especially with mothers, and how many of them die of the illness they have contracted at the bedside of their children. In all these circumstances, it is of course not forbidden to be cautious, and wisdom requires one should not go beyond the

strictly necessary; but the necessary is obligatory; and on whom should it fall more naturally than on the parents?

Besides the illnesses which threaten the lives of men, there are dangers more sudden, more violent, more terrible, which arise from the invasion of the forces of nature: fire and water are the most terrible; conflagrations, inundations, shipwrecks, catastrophes of all kinds imperil the lives of men.

Here the question is no longer one of slow and leisurely attentions. To save a life which a minute later will be extinguished, there is wanted a sudden resolution, a well-tested courage, and the will to risk one's life for that of another. In these terrible circumstances there are some men who seem to be more naturally called than others to sacrifice themselves; for example, firemen and sailors. It is certain that it is those who are the more familiar with the element it is necessary to combat, that are most called to do so, and for whom self-devotion becomes a greater duty. But it is not always possible to have them immediately at hand; in a sudden catastrophe, all must take their share of the peril; all must be ready to give their life for others if they can do so with some utility.

Devotion towards the wretched.—Next to health and life, what men most esteem are material goods and that which is called fortune. Certainly, we should not encourage this estimation men have for material goods; one should as much as possible teach them to do without them; and the saying that happiness resides rather in a small competence than in riches, is most true. But it is not less true that the material things are absolutely necessary to life, and that the absence of these things is in every respect prejudicial to man, since health, life, and even the interests of the soul and mind, depend on these material goods. How can we educate ourselves without eating? How can we improve the heart and soul when want impels us to all sorts of temptations? Finally, suffering itself, though morality commands us to bear it with courage, is a legitimate object of sympathy. From all these considerations arises, for those who possess anything, the obligation to

come to the assistance of those who have nothing: this is what is called *gift*. This obligation can be satisfied in many ways, but the mode should certainly consist with the dignity and responsibility of those who are the object of the gift. Experience has shown that an ill-understood charity encourages idleness and often rewards and perpetuates vice. It is therefore work which should above all be furnished to the poor: the loan should generally be preferred to the gift; but finally, whatever precautions one may take, and whatever be the causes of the misery, there comes always a moment when, in presence of hunger, illness, supreme want, one must give; must deprive himself for others. As to the particular rules which govern benevolence, we have given them above in speaking of benefactions.

Consolations, exhortations, instructions. After the duties toward the body come the duties toward the soul: and this distinction has place for others as for ourselves. It is not enough to insure and save the lives of men, and give them the daily bread; one must also nourish their souls, their intelligences, their moral weaknesses, which also need sustenance. Thence three different obligations: to *console* the afflicted; to *exhort* the weak; to *instruct* the ignorant. The consoling of the afflicted is a virtue, which needs no rule, and does not admit of any. One does not console by order, by processes, by principles. Here the heart is better than strict laws. Listen to your heart; it will teach you how to be merciful without being indiscreet; how to touch without wounding; how to say enough without saying too much. In respect to poor people, one often consoles them by relieving their misery, and the duty here blends with benevolence. After the consolation come the *exhortations*. The duty here becomes more and more delicate. It is no easy thing to advise men; we have not even always a right to do so; for it is attributing to ourselves a certain superiority over them. This duty of exhortation is therefore an affectation of pride rather than an inspiration of fraternity. It is especially with

children, with young people, that good exhortations properly made can be useful. In a few words, moderate and just, one may often recall to them their duties of respect towards themselves, and of economy, sobriety, devotion towards their relatives. Finally comes the duty of *instruction*. Here it is not the office of all, but only of those who are charged with this function. Yet may we contribute our share towards the instruction of children either by money-contributions, or by visiting the schools, or by encouragement-societies; in a word, by all sorts of auxiliary means. Such are the principal duties in regard to souls.

73. Clemency.—Pardon of injuries.—Love of enemies.—The foregoing duties consist not only in returning good for evil, but also in doing good to those who have not done us any. A superior degree of charity, which is called *generosity*, consists in returning good for evil, in forgiving the wicked,—not the wrong they have done to others, but the wrong they have done to ourselves. This, in the case of sovereigns, is called *clemency*. The saying of Louis XII. is well known, having pardoned the enemies he had had before taking the crown: "The king," said he, "should forget the injuries done to the duke of Orleans." The great Condé was moved to tears over Corneille's celebrated lines in *Cinna*:

> "Let us be friends, Cinna; it is I who invite thee:
> I gave thee thy life as to my enemy,
> And despite the fury of thy cowardly designs,
> I still give it thee, as to my murderer."

The duty of returning good for evil goes even further than clemency and the pardon of injuries: for this is nothing more than to abstain from wronging one's enemies. But we should do more: we must be capable of doing good to our enemies when they deserve it, or need it; and further still, we should try to carry the virtue even so far as to interdict ourselves any feeling of pride, which would naturally arise in a heart great enough to avenge itself by benefits.

The philosopher Spinoza has admirably expressed this doctrine: "Hatred must be overcome not by hatred, but by love and generosity."

74. Duties of kindness towards animals.—Among the moralists, there are some who do not admit that we have any duties towards beings inferior to man, namely, animals; others, on the contrary, do not admit any duties towards any above man, consequently towards God; others, in fine, deny that man has any towards himself. There are scarcely any duties, except those towards our fellow-beings, that have not been questioned by one or the other of the moralists: some connecting the latter with the duties towards ourselves, or the duties towards God.

According to us, there are four classes of duties, and these four classes are not reducible the one to the other.*

No one can deny from a practical point of view that there are duties towards animals; for we know very well that it is not permitted to maltreat them or cause them unnecessary pain; and every enlightened conscience condemns cruelty to animals. Therefore can there be here question only of a speculative scruple. It can be very well seen that there is a duty here; but it is, they say, a duty towards ourselves; for it is our duty not to be cruel, and cruelty toward animals accustoms us too easily to cruelty toward men. But this is a very useless subtlety, and too roundabout a way to express a very simple thing. We prefer simply saying that kindness toward an animal is a duty toward that animal.

Besides, the reasons given against the duties toward animals, appear to us more specious than substantial. It is said that animals, having neither will nor intelligence, are not *persons*, but *things;* that, consequently, they have no *rights*, and that we can have no duties toward what has no rights.

These are inadmissible subtleties. One can, in law terms, divide all objects of nature into persons and things; and

* See our *Morale*, liv. II., ch. v.

animals, not being persons, are things, in the sense that they can be *appropriated*. But, strictly speaking, can a being endowed with sensibility be called a thing? Is it true, moreover, that an animal has no intelligence, no will—that consequently it has not any vestige of personality? Is it true again that an animal has no kind of rights? This, in the first place, is to suppose what is in question. And, moreover, does not conscience say to us that an animal which has served us long years with affection has thereby acquired a certain right to our gratitude? And, finally, is it really true that we have only duties towards those that have duties towards us? That were a very perilous maxim in social morality. We are told not to be cruel to animals in order not to become cruel towards men. But if one were sure not to become cruel towards men, would it follow therefrom that it is permitted to be so towards animals? No, it will be said; but it is because cruelty, though its object be only animals, is in itself a vice, base and unworthy of man. One should not conclude from that, that cruelty is a direct crime against them. But for the same reason it might be maintained that we have no duties toward others, and only toward ourselves; injustice, cruelty, are odious vices in themselves; goodness and justice, noble qualities; we should shun the one and avoid the other out of respect for ourselves, and regardless of the object of these vices and virtues. If, despite these considerations, it is then thought better to make, nevertheless, a distinction between the duties toward others and those toward ourselves, there should for the same reason be made a distinct class of the duties toward animals. Finally, if we owe nothing to animals, it is not very clear why acts hypothetically indifferent should be treated as cruelties; nor why such acts should be considered as lowering and dishonoring the character.

On the whole, and to avoid all theoretical difficulties, it may be said that we have duties, if not toward animals, at least *in regard* to animals.

Our duties in regard to animals, are they, however, of a kind

to make us doubt our right to destroy or reduce them to servitude?

The destruction of animals may have two causes; it may be for our defense, it may be for our subsistence. As to the first there is no difficulty; the right of legitimate self-defense authorizes us to destroy what would otherwise destroy us. Between us and beasts injurious to man there is evidently a state of natural war, and in that state the law is that might makes right. This same law is the one which regulates the relations of the animals between themselves: it is also their law in regard to us. The lion, for instance, might not always be as tenderly inclined as the lion of Androcles or the lion of Florence: it would not be well to trust it. We need not, therefore, even theoretically, entertain any scruples concerning the destruction of injurious animals.

Is it the same with the destruction of animals intended for our nourishment? Is this destruction innocent, or must we, as did the Pythagoreans or Brahmins of old (for superstitious reasons, however), interdict all animal food?* This question has been so well solved by general usage that it is scarcely necessary to raise it. It is not likely men will ever think of giving up animal food, and no one regrets having eaten of a good roast. Yet for those who like to find out the reason of things, it is a problem to know whether we have the right to do what we do without remorse and scruples; and whether a universal and apparently indestructible practice is also a legitimate and innocent practice. Man, according to us, in living on flesh, is justified by nature herself, who made him a carnivorous creature. Every being is authorized to perform the acts which result from its organization.† The human organization, as the nature of the teeth and the whole digestive system indicate, is prepared to nourish itself with flesh. In many countries even all other nourishment is impossible;

* Abstinence from the flesh of animals was based by Pythagoras, as it was with the Brahmins, upon the doctrine of metempsychosis.

† The question is as to the acts themselves, and not their abuse.

there are peoples whose very situation makes them necessarily hunters, fishermen, or shepherds; it is only in some countries highly favored, and, thanks to scientific cultivation, the result of civilization, that vegetable food could be made abundant enough to suffice, and hardly that for large masses of population; for we know quite well what disasters follow upon a scarcity of crops. What would be the result if the human race were deprived of half its means of subsistence? Add to this that, whatever may have been said against it, animal food mixed in a certain measure with vegetable food, is indispensable to the health and vigor of the human race.

As to the servitude of animals and the labor we impose on them, its justification lies first in the principle of legitimate self-defense, to which we have just now alluded. Many of our domestic races would, in a savage state, become veritable wild beasts. The wild hog is, they say, the wild boar; the wild dog, the jackal; the wild cat belongs to the leopard and tiger family. In reducing these sorts of animals to servitude, and in making of them companions and help-mates in our work, we thereby deliver ourselves from dangerous enemies. Domestication is better than destruction. Add to this, that if we except the first animals which have passed from the savage state to the domestic state (which, as to our domestic races, is lost in the night of time and escapes all responsibility), the present animals, born in servitude, know no other state, do not suffer from a want of liberty, and find even, thanks to our cares, a more certain subsistence than if they were free. They are, it is true, sacrificed by us to our wants, but they would be so by other animals in the savage state. Whether a sheep be eaten by men or wolves, it is not to be more pitied for that, one way or the other.

The right of man over animals being set aside, there remains an essential duty respecting them, namely: not to make them suffer without necessity.

Fontenelle relates that, having gone one day to see Male-

branche,* at the fathers of the *Oratoire*, a dog of the house, big with young, entered the room and rolled about at the feet of the father. After having tried in vain to drive it away, Malebranche gave the dog a kick which caused it to utter a cry of pain and Fontenelle a cry of compassion: "Oh, pshaw!" said father Malebranche, coolly, "do you not know that these things do not feel?"

How could this philosopher be sure that *these things* did not feel? Is not the animal organized in the same manner as man? Has he not the same senses, the same nervous system? Does he not give the same signs of impressions received? Why should not the cry of the animal express pain as does the cry of a child? When man is not perverted by custom, cruelty, or the spirit of system, he cannot see the sufferings of animals without suffering himself, a manifest proof that there is something in common between them and us, for sympathy is by reason of similitude.

Animals, then, suffer; this is undeniable; they have, like ourselves, a physical sensibility; but they have also a certain moral sensibility; they are capable of attachment, of gratitude, of fidelity; of love for their little ones, of reciprocal affection. From this physical and moral analogy between men and animals, there obviously results the obligation of inflicting upon them no useless suffering. Madame Necker de Saussure† relates the story of a child who, finding himself in a garden where a tamed quail was freely running about beside the cage of a bird of prey, yielded to the temptation of seizing the poor quail and giving it to the bird to devour. The hero of this adventure relates himself the punishment inflicted on him:

"At dinner—there was a great deal of company that day—the master of the house began to relate the scene, coolly and without any remarks, simply naming me. When he was

* A philosopher of the school of Descartes, who, like his master, taught that animals are machines.

† *Education progressive*, VI., iv.

through, there was a moment of general silence, where every one looked at me with a kind of horror. I heard some words exchanged among the guests, and without any one's directly speaking to me, I could understand that everybody thought me a monster."

Connected with the cruelty toward animals are certain barbarous games where animals are made to fight with each other for our pleasure. Such are the bull-fights in Spain; the cock-fights in England; we do not go so far as to rank the chase among inhuman games, because, on the one hand, it has for its object to destroy the animals injurious to our forests and crops, and to furnish us useful food; and on the other, it is an exercise favorable to health, and exercises certain faculties of the soul; but the chase must at least not be a massacre, and must have for its end utility.

Brutality toward the animals which render us the greatest services, and which we see every day loaded beyond their strength, and beaten to bear up under the load, is also an odious act, and doubly wrong, as it is both contrary to humanity and contrary to our interests, since these animals, overloaded and beaten, will not be long in succumbing to the violence of their persecutors.

Nor can we consider as absolutely indifferent the act of killing or selling (except in cases of extreme necessity) a domestic animal that has served us a long time, and whose attachment we have experienced. "Among the conquerors at the Olympic Games," the ancients tell us, "many share the distinctions which they receive with the horses which have helped to procure them; they provide for them a happy old age; they accord them an honorable burial, and sometimes even raise a monument over their graves."

"It is not reasonable," says Plutarch, "to use things which have life and feeling, as we would use a shoe or any other instrument, throwing it away when worn out and ruined by dint of service done; if it were for no other cause than to induce and stimulate us to constant compassion, we should accustom ourselves to gentleness and charitableness,

even to performing the humblest offices of kindness; as for me, I should never have the heart to sell an ox who for a long time had ploughed my land, because, by reason of old age, he can no longer work."

A very serious question has been raised these latter times, namely, the question of *vivisection*, and how far, in a scientific point of view, we have a right to practice on living animals. The point is not to interdict to science what is the indispensable condition of its progress and propagation; but we should limit ourself to the strictly necessary, and not with revolting prodigality multiply sacrifices that are not absolutely useful.

One of the principal reasons for condemning cruelty toward animals, is that through the instinct of imitation and sympathy men may get into the habit of doing to others what they have seen practiced on animals. There is a story of a child who caused his brother to suffer the same death he had just seen inflicted on an animal.*

The men who are brutal toward animals are likewise so toward each other, and treat with the same cruelty their wives and children.

It is by reason of these considerations of social utility and humanity that the law in France decided to interfere to prevent and punish the bad treatment inflicted upon animals;† and the consequences of this measure have been most happy.

* *Bulletin de la Société Protectrice des Animaux.* June, 1868.

† Law of the 2d July, 1850, called *Grammont Law:* "Shall be punishable by a fine of from five to fifteen francs, or from one to five days' imprisonment, any one who shall publicly and abusively have maltreated domestic animals. In case of repetition of the offence, imprisonment.

A society—*Société Protectrice des Animaux*—has been formed to come in aid to the law. The principal articles of its statutes are: "The aim of the society is to ameliorate, by all the means in its power, and conformably to the law of the 2d of July, 1850, the condition of animals. The society awards recompenses to any propagating its work and inventing proper means to the relief of animals; to the agents of the police, pointed out by their chiefs as having enforced the laws and regulations for the prevention of cruelty and ill-treatment towards animals;—to the agents of agriculture, shepherds, farm-help, farmers, leaders of cattle;—to coachmen, butcher-boys, smiths—in short, to any person who, in some high degree, shall have given proof of good treatment, intelligent and continued care and compassion toward animals." See in its *Bulletins*, the useful results obtained by this interesting society.

CHAPTER VII.

DUTIES TOWARD THE STATE.

SUMMARY.

Three groups of societies among men: *Humanity, the family, the country, or the State.*

Analysis of patriotism.

Foundation of the State.—Law and rights. Public authority: distinction between society and the State. The three powers. Sovereignty. The right of punishment.

Duties toward the State: 1. *Obedience to the laws.*—The *Crito* of Plato. Pretended exceptions to this principle. Criticising the laws is not disobedience.

2. *Respect to magistrates.*—The magistrates being the representatives of the laws, to respect them is to respect the law itself; to insult them is to insult the law.

3. *The ballot.*—Obligation to vote. The character of the ballot: 1, *disinterested;* 2, *free;* 3, *enlightened.*

4. *Taxes.*—Immorality of frauds against the State.

5. *Military service.*—Legal and moral obligation. Attempts to escape it: 1, by mutilations; 2, by simulated infirmities; 3, by desertion; want of discipline.

6. *Educational obligation.*

Civil courage.—Noted example: Boissy d'Anglas.

75. Three groups of societies.—Cicero and Fénélon remark that there are three sorts of societies among men: the first comprises the whole of *humanity;* the last, which is the most circumscribed, is what is called the *family.* But between the family and the human race in general, there is an intermediate society, larger than the one and more circumscribed than the other, and this is what is called the *country.*

76. Patriotism.—The sentiment which binds us to the country, and which, articulated, becomes a *duty*, is what is called *patriotism*. We have already given elsewhere,* an analysis of patriotism. Let us repeat what we have said:

Patriotism is one of our most complex sentiments: it is in fact composed of many distinct elements: it is, in the first place, the *love of the soil* where we were born; and this soil is at first the narrow territory where our youth passed, and which we embraced entire with the eyes and recollections: it is the native village, the native city. But if this is the first sense of country, it falls far short of embracing the whole country. The love for the native church steeple is not patriotism: it is even its opposite often. The soil must extend, widen, and from the natal house, must gradually embrace, by successive additions, the village, the town, the county, the province, the whole country. But what is to determine the extent of this territory? Who is to decide that it shall go so far and no farther? There enter into it many elements: first, the inhabitants, the fellow-citizens, fellow-countrymen; a soil deserted would not be a country; to the love of the territory there must be added the love of those who inhabit it with us, or of our *fellow-countrymen;* to the nomadic people the country is only their tribe. Conversely, the citizens without the soil are not the country either, for exile in common is not the less exile. Finally, the union of soil and fellow-citizens may still not be the country, at least not all the country; a conquered nation may preserve its soil and its inhabitants, and have lost the country: as Poland, for instance. What, then, are the ties to determine the existence of a country? There are a large number of them, such as *the unity of language, the unity of laws, the unity of the flag, historic tradition*, and, finally, above all, the *unity of government* and of an accepted government. A country exists only where there is an independent political state. This political unity does not suffice when the other ties are wanting; when it is a constraint, when peoples united under the same government have different manners, customs, traditions; conversely, unity of language and community of habits, will neither be sufficient when the political unity or a certain form of political unity is wanting. But what, before everything else, constitutes the country, is a common spirit, a common soul, in short, a common name, which fuses into one all these separate facts of which no single one is absolutely necessary, but of which each forms an additional element to the strength of the country. Finally, as a last condition, the

* *Traité élémentaire de philosophie*, p. 262.

association which is to become a country must not, as was the case with the Roman empire, extend over too much territory; for beyond certain limits, patriotism relaxes.

Nature has endowed us with this sentiment of patriotism. There is no one that does not love his country better than other countries, that is not flattered by national glory, that does not suffer from the humiliations and miseries of his native country. But this sentiment is more or less strong, according to temperaments. Often it is nothing more than a sentiment, and does not express itself in actions. It is the reflective faculties which make of patriotism a duty, which duty demands that sentiment pass into action; demands of all the citizens the same acts, whatever be the personal inclinations of each.

The duties imposed on each man in regard to the particular society of which he is a member, are called *civil* duties. He, himself, in regard to this society, is what is called a *citizen;* finally, the society itself, considered as one and the same person, of which the citizens are the members, is what is called the *State* or the *city.*

On the whole, there is no difference between *country* and *State.* Country is at the same time *Society* and *soil.* It is called by that name (State) when looked upon in the light of a family of which the citizens are the children, and also when considered in its relations with other nations and other societies. The State is that same society considered interiorly and in itself, not as to its soil and territory, but as to the members that compose it, and in as far as these members form one and the same body and are governed by laws. The country is a more concrete and more vivid expression, which appeals more to the feelings; the State is a more abstract expression, which addresses itself to reason. Besides, we shall understand better what is meant by the State, when we shall have explained the nature of public authority and the laws.

77. Foundation of the State—Rights.—To understand the

nature of the State and what is called *authority, sovereignty, magistracy, law,* one must begin with the notion of rights and of the different kinds of rights.

Duty is the law which imposes on us obligations either toward ourselves or toward others; it is a *moral necessity* (p. 11). *Rights* is the *power* we have to exercise and develop our faculties conformably to our destiny, provided we allow other men the same power: it is a *moral power* (Leibnitz). Each man, by reason of his enjoying liberty and intelligence, is a *person,* and should not be treated as a *thing.* "Man is a thing sacred to man," said the ancients. He is inviolable in his personality and in all that constitutes the development of his personality.

Thence follows an immediate consequence: it is, that every man being man by the same title, no one can claim for himself a right which he is not willing to recognize at the same time in another; hence the *equality of rights.* Besides, the liberty of one cannot, without contradiction, suppress the liberty of another, whence this other definition: Right is the *accord of liberties.*

78. The rights of man.—What are the principal rights of man? They are: the right of *self-preservation;* the right of going and coming, or *individual liberty;* the *liberty of work;* the *right of property;* the *liberty of thought;* the *liberty of conscience;* the *right of family,* etc.

We have also seen that man (p. 52) has a final right which is the guaranty and the sanction of all others; it is the right of preventing by force every attempt at his rights; to *constrain* others to respect his rights, and lastly, to *punish* every violation of his rights. This is what is called the *right of self-defense.*

79. Public authority.—Man having, as we have just seen, the right of self-defense by opposing force to any attack, possesses, when alone, and far from all human help, this right in all its plenitude. But it is easy to see the dangers and inexpediency of such a right in a society. Each man, in fact,

when he meets with opposition to his will and desires, always thinks himself injured in his rights. If every one were free to defend himself in all circumstances, the right of self-defense would keep men constantly under arms; and society, without a regulating power to check their doings, would soon, as the philosopher Hobbes expressed it, be "*the war of all against all.*" Hence the necessity of the State—that is to say, of a *disinterested power*—taking in hand the defense of all, and insuring the proper exercise of the right of self-defense by suppressing its abuses. This is what is called *public authority.*

80. Society and the State.—We must distinguish between *society* and the *State*, or *natural* society and *civil* society.

Society is the union which exists between men, without distinction of frontiers—without exterior restraint—and for the sole reason that they are men. An Englishman and an Indian, as Locke says, meeting in the waste forests of America (Robinson and Friday), are, from the fact alone of their common nature, in a state of society.

The *civil society* or *State* is an assemblage of men subject to a common *authority*, to common *laws*—that is to say, a society whose members may be constrained by public force to respect their reciprocal rights.

81. The three powers.—There results from that, that two necessary elements enter into the idea of the State: *laws* and *force.* The laws are the general rules which establish beforehand and fix after deliberation, and abstractly, the rights of each; force is the physical restraint the public power is armed with to have the laws executed. Hence two *powers* in the State, the *legislative* power and the *executive* power—one that makes the law; the other that executes it, and to which may generally be added a third, namely, *judiciary* power, which, on its part, is empowered to apply and interpret the law.*

82. Sovereignty.—These three powers emanate from a

* Concerning these three powers, see Montesquieu, *Esprit des lois*, I., xi.

common source which is called *sovereign*. In all States, the sovereign is the authority which is in possession of the three preceding powers and delegates them. In an absolute monarchy, the sovereign is the monarch, who of himself exercises the legislative and executive power, sometimes even the judicial power. In a democracy, the sovereign is the universality of the citizens, or the *people*, which delegates the three powers, and even in some cases exercises them.

As to the basis of sovereignty, two systems face each other: the *divine right* and the *sovereignty of the people*. In the first, the authority emanates from God, who transmits it to chosen families; in the second, societies, like individuals, are free arbiters, and belong to themselves; they are answerable for their destinies; and this can only be true of the entire society; for why should certain classes rather than others have the privilege to decide about the fate of each? The sovereignty of the people is then nothing else than the right of each to participate in public power, either of himself or through his representatives. This principle tends more and more to predominate in civilized States.

83. Political liberty.—Political liberty means all the guaranties which insure to every citizen the legitimate exercise of his natural rights; political liberty is, then, the sanction of civil liberty.

The principal of these guaranties are: 1, the *right of suffrage*, which insures to every one his share of sovereignty; 2, the *separation of powers*, which puts into different hands the *executive*, *legislative*, and *judicial* powers; 3, the *liberty of the press*, which insures the right of minorities, and allows them to employ argument to change or modify the ideas and opinions of the majority.

84. The right of punishment.—The right of punishment in a State is nothing else than the right of restraint, which, as we have already seen, is inherent in the very idea of the State; for the State only exists to insure to each the exercise of his rights, and it can only do so by restraint and the use of

force. How far can this right of force go? Can it, for example, go so far as the taking of life even? This is a mooted question between publicists, and upon which we have, moreover, already expressed ourselves (p. 55 *et seq.*).

After having in these summary views resolved the principle upon which the State rests,* and the essential elements which enter into the idea, we are better prepared to approach what constitutes the object proper of civil morality, namely, the duties of citizens toward the country or the State.

85. Civil duties.—These duties are the following: *Obedience to the laws; respect of magistrates; the ballot; military service; educational obligations.*

86. Obedience to the laws.—The first of the civil duties, is *obedience to the laws.* The reason is evident. The State rests on the law. It is the law which substitutes, for the will of individuals, always more or less carried away by passion or governed by self-interest, a general, impartial, and disinterested rule. The law is the guaranty of all: it opposes itself to force, or rather puts force in the service of justice, instead of making of justice the slave of force. Pascal says: "Not being able to make that which is just, strong, men have wished that what is strong should be just." This is the jest of a misanthrope. Certainly the laws are not always as just as they might be, despite the efforts made to render them so: the reason of it is, the extreme complexity of interests between which it is difficult to find a true balance and just equilibrium; but such as they are, they are infinitely more just than the right of the strongest, which would alone reign if there were no laws.

The empire of the laws is then that which secures *order* in a society, and consequently procures for each of its members security and peace, and through these, the means of devoting himself to his work, whether intellectual or material, and of reaping the fruits thereof.

* See on this subject the *Notions d'instruction civique.*

At the same time that the law guarantees order within, it also insures the independence of the nation from without. For a nation without laws, or which no longer obeys its laws, falls into anarchy and becomes the prey of the first conqueror who presents himself, as is shown by the history of Poland.

It is especially in democratic or republican states, that obedience to the laws is necessary, as it is there the most difficult.

Montesquieu has shown with great sagacity the difficulty and thereby the necessity of obedience to the laws in a democracy; in fact, what in other governments is obtained by constraint, in a democracy depends only upon the will of the citizens.

"It is clear," says Montesquieu, "that in a monarchy, where he who causes the laws to be executed is above the laws, there is less virtue requisite than in a popular government, where he who causes the laws to be executed, feels that he is himself subject to them, and will have to bear the consequence of their violation.

"It is further clear that a monarch who, through bad advice or negligence, ceases to have the laws executed, may easily repair the evil; he has but to change counselors or correct himself of his negligence. But when in a popular government, the laws have ceased to be executed, as this can only happen through the corruption of the republic, the State is already lost."

Montesquieu then describes, in the strongest and liveliest colors, a republican state where the laws have ceased to be enforced.

"They were free with the laws; they wish to be free without them. Each citizen is as a slave escaped from the house of his master. What before was called *maxim*, is now called *severity;* what was *rule* is now annoying *restraint;* what was *attention*, is now *fear*. The republic has become booty, and its strength is no longer anything more than the power of a few and the license of all."

In the republics of Athens and Rome, as long as they were prosperous and great, the empire of the laws was admirable. Socrates, in his prison, gave of this a sublime example. He

was unjustly condemned by his fellow-citizens to drink the hemlock, namely, to die by poison. Meanwhile, his friends pressed him to resort to flight; and everything leads to the belief that this would have been quite easy, as the judges themselves almost wished to be relieved of the responsibility of his death. Yet Socrates resisted, and refused to employ this means of safety. The principal reason given by him was, that, having been condemned by the laws of his country, he could save himself only by violating these laws.

This is what Plato has expressed in the dialogue entitled *Crito*. The laws of the country are represented as addressing a speech to Socrates; it is called the *Prosopopœia* of Crito*:

"Socrates," they will say to me, "was that our agreement, or was it not rather that thou shouldst submit to the judgments rendered by the republic? . . . What cause of complaint hast thou against us that thou shouldst try to destroy us? Dost thou not, in the first place, owe us thy life? Was it not under our auspices that thy father took to himself the companion that gave thee birth? If thou owest us thy birth and education, canst thou deny that thou art our child and servant? And if this be so, thinkest thou thy rights equal to ours; and that thou art permitted to make us suffer for what we make thee suffer? What! in the case of a father or a master, if thou hadst one, thou wouldst not have the right to do to him what he would do to thee; to speak to him insultingly if he insulted thee; to strike him, if he struck thee, nor anything like it; and thou shouldst hold such a right toward thy country! and if we had sentenced thee to death, thinking the sentence just, thou shouldst undertake to destroy us! . . . Does not thy wisdom teach thee that the country has a greater right to thy respect and homage, that it is more august and more wise before the gods and the sages, than father, mother, and all ancestors; that the country in its anger must be respected, that one must convince it of its error through persuasion, or obey its commands, suffer without murmuring whatever it orders to be suffered, even to be beaten and loaded with chains? . . . What else then dost thou do?" they would proceed to say, "than violate the treaty that binds thee to us, and trample under foot thy agreement?

* Prosopopœia in rhetoric is the form of expression which consists in animating physical or abstract things, in lending them "a soul, a mind, a visage" (Boileau), in making them speak or being spoken to as if they were present and living. In *Crito*, the laws are personified, and it is they that speak.

. . . In suffering thy sentence, thou diest an honorable victim of the iniquity, not of the laws, but of men; but if thou takest to flight, thou repellest unworthily injustice by injustice, evil by evil, and thou violatest the treaty whereby thou wert under obligation to us: thou imperilest those it was thy duty to protect, thou imperilest thyself, thy friends, thy country, and us. We shall be thy enemies all thy life; and when thou shalt descend to the dead, our sisters, the laws of Hades, knowing that thou hast tried thy best to destroy us here, will not receive thee very favorably."

Pretended Exceptions.—The duty of obedience to the laws must then be admitted as a principle; but is this duty absolute? is it not susceptible of some exceptions? A learned theologian of the XVI. century, a Jesuit, Suarez (*Traité des lois*, III., iv.), admits three exceptions to the obedience due to the law: 1, if a law is unjust—for an unjust law is no law—not only is one not obliged to accept, but even, when accepted, one is not obliged to obey it; 2, if it is too hard; for then one may reasonably presume that the law was not made by the prince with the absolute intention that it should be obeyed, but rather as an experiment; now, under this supposition one can always begin by not observing it;—3, if, in fact, the majority of the people have ceased to observe it, even though the first who had commenced should have sinned; the minority is not obliged to observe what the majority has abandoned: for one cannot suppose the prince to intend obliging such or such individuals to observe it, when the community at large have ceased observing it.

These exceptions, proposed by Suarez, are inadmissible, at least the two first. To authorize disobedience to unjust laws is introducing into society an inward principle of destruction. All law is supposed to be just, otherwise it is arbitrariness and not law. Every man finds always the law that punishes him unjust. If there are unjust laws, which is possible, we must ask their abrogation; and, in these our days, the liberty of the press is ready to give satisfaction to the need of criticism; but, in the meantime, we must obey. The second exception is not tenable either. To say that it is permitted to disobey

a law when it is too hard, in supposing that the prince only made it for an experiment, is to permit the eluding of all the laws: for every law is hard for somebody; and there is, besides, no determining the hardness of laws. Such an appreciation is, moreover, fictitious; a prince who makes a law is supposed *a priori* to wish it executed: to say that he only meant to try us therewith is a wholly gratuitous invention. Certainly one may by such conduct succeed in wearing a law out when the prince is feeble; but it is not the less unjust, and no State could resist such a cause of dissolution. As to the third exception, it can be admitted that there are laws fallen into disuse, and which are no longer applied by any one because they stand in contradiction to the manners, and are no longer of any use; but, except in such case, it is nowise permitted to say that it is sufficient for the majority to disobey to entitle the minority to do the same. For instance, if it pleased the majority to engage in smuggling, or to make false declarations in the matter of taxes, it would nowise acquit the good citizens from continuing to fulfill their duty.

Now, if it is an absolute duty to obey a law, we must, at the same time, admit as a corrective, the right of criticising the law. This right is the right of the minority, and it is recognized to-day in all civilized countries. A law may, in fact, be unjust or erroneous: it may have been introduced by passion, by party-spirit; even without having been originally unjust, it may have become so in time through change in manners; it may also be the work of ignorance, prejudice, etc.; and thereby hurtful. Hence the necessity of what is called the *liberty of the press*, the inviolable guaranty of the minorities. But the right of *criticising* the law is not the right of *insulting* it. Discussion is not *insult*. Every law is entitled to respect because it is a law; it is the expression of the public reason, the public will, of sovereignty. One may try to *persuade* the sovereign by reasoning, and induce him to change the law; one should not inspire *contempt* which leads unavoidably to disobedience.

87. Respect for magistrates.—Another duty, which is the corollary to obedience to the laws, is the *respect for the magistrate.* The magistrate—that is, the functionary, whoever he be, in charge of the execution of the laws—should be obeyed, not only because he represents force, but also because he is the expression of the law. For this reason, he should be for all an object of respect. The person is nothing; it is the authority itself that is entitled to respect, and not such or such an individual. Many ignorant persons are always disposed to regard the functionary as a tyrant, and every act of authority, an act of oppression. This is a puerile and lamentable prejudice. The greatest oppression is always that of individual passions, and the most dangerous of despotisms is anarchy: for then it is the right of the strongest which alone predominates. Authority, whatever it be, makes the maintenance of order its special interest, and order is the guaranty of every one. The magistrate is, moreover, entitled to respect, as he represents the country; if the country be a family, the authority of the magistrate should be regarded the same as that of the head of the family, an authority entitled to respect even in its errors.

88. The ballot.—Of all the special obligations which we have enumerated, the most important to point out is that of the *ballot*, because it is free and left entirely at the will of the citizens.

In regard to the other obligations, constraint may, up to a certain point, supply the good will; he who does not pay his taxes from a sense of duty, is obliged to pay them from necessity; but the ballot is free; one may vote or not vote; one may vote for whom he pleases: there is no other restraint than the sense of duty; for this reason, it is necessary to insist on this kind of obligation.

1. It is a duty to vote. What in fact the law demands, in granting to the citizens the right of suffrage, is that the will of the citizens be made manifest, and that the decisions about to be taken, be those of the majority. This principle of the right of the majorities has often been questioned: for, it is

said, why might not the majority be mistaken? Certainly, but why might not the minority be also mistaken? The majority is a rule which puts an end to disputes and forestalls the appeal to force. The minorities certainly may have cause for complaint, for no rule is absolutely perfect; but they have the chance of becoming majorities in their turn. This is seen in all free States, where the majority is constantly being modified with the time. If such is the principle of elective governments (whatever be the measure or extension of the electoral right), it can be seen of what importance it is that the true majority show itself; and this can only take place through the greatest possible number of voters. If, for example, half of the citizens abstain, and that of the half that vote, one-half alone, plus one, constitute the majority, it follows that it is a fourth of the citizens that make the law; which would seem to be reversing the principle of majorities. This is certainly not absolutely unjust, for it may be said that those who do not vote admit implicitly the result obtained; but this negative compliance has not the same value as a positive compliance.

To abstain from voting may have two causes: either indifference, or ignorance of the questions propounded, and consequently the impossibility of deciding one way or another. In the first case, especially is the abstaining culpable. No citizen has the right to be indifferent to public affairs. Skepticism in this matter is want of patriotism. In the second case, the question is a more delicate one. How can I vote? it may be said. I understand nothing about the question; I have no opinion; I have no preference as to candidates. To combat this evil, it is, of course, necessary that education gain a larger development, and that liberty enter into customs and manners. There will be seen then a greater and greater number of citizens understandingly interested in public affairs. But even in the present state of things, a man may still fulfill his duty in consulting enlightened men, in choosing some one in whom he may have confidence; in short, in making every effort to gain information.

2. The vote should be *disinterested.* The question here is not only one concerning the *venality* of the vote, which is a shameful act, punishable, moreover, by the laws; but it embraces disinterestedness in a wider sense. One should in voting consider the interests of the country alone, and in nowise, or at least, only secondarily, the interests of localities, unless the question be precisely as to those latter interests, when voting for municipal officers.

3. The vote should be *free.* The electors or representatives of an assembly should obey their conscience alone: they should repel all pressure, as well that from committees arrogating omnipotence, as from the power itself.

4. In fine, the vote should be *enlightened.* Each voter should gather information touching the matter in hand, the candidates, their morality, their general fitness for their duty, their opinions. In order to vote with knowledge of the facts, one must have some education. That, of course, depends on our parents; but what depends on us, is to develop the education already obtained; we must read the papers, but not one only, or we may become the slaves of a watch-word and of bigoted minds; we must also gather information from men more enlightened, etc.

89. Taxes.—It is a duty to pay the taxes; for, without the contributions of each citizen, the State would have no budget, and could not set the offices it is commissioned with, to work.

How could justice be rendered, instruction be given, the territory be defended, the roads kept up, without money? This money, besides, is voted by the representatives of the country, elected for that purpose. But if the State is not to tax the citizens without their consent and supervision, they in their turn should not refuse it their money. Certainly, this evil is not much to be feared, for in the absence of good will, there is still the constraint which can be brought to bear upon refractory citizens. Yet there are still means of defrauding the law. The common people believe too readily that to deceive the State is not deceiving; they do not scruple to

make false declarations where declarations are required, to pass prohibited goods over the frontier, etc.; which are so many ways of refusing to pay the taxes.

90. Military service, as are the taxes, is obligatory by law, and consequently does not depend on individual choice. But it is not enough to do our duty because we are obliged to do it; we must also do it conscientiously and heartily.

"It is not enough to pay out of one's purse," says a moralist;* "one must also pay with one's person." Certainly, it is not for any one's pleasure that he leaves his parents and friends, his work and habits, to go to do military service in barracks, and, if needs be, to fight on the frontiers. But who will defend the country in case of attack if it be not its young and robust men? And must they not learn the use of arms in order to be efficient on the day when the country shall need them? This is why there are armies. Certainly, it would be a thousand times better if there were no need of this, if all nations were just enough never to make war with each other. But whilst this ideal is being realized, the least any one can do is to hold himself in readiness to defend his liberty, his honor. . . . Thanks to a good army, one not only can remain quiet at home, but the humblest citizen is respected wherever he goes, wherever his interests take him. In looking carefully at the matter it can be seen that even in respect to simple interests, the time spent in the service of the flag, is nothing in comparison with the advantages derived from it. Is it not because others have been there before us that we have been enabled to grow up peacefully and happy to the age of manhood? Is it not just that we should take their place and in our turn watch over the country? And when we return, others will take our place, and we, in our turn, shall be enabled to raise a family, attend to our business, and lead a quiet and contented life.

Let us add to these judicious remarks that military service is a school of discipline, order, obedience, courage, patience, and as such, contributes to strengthening the mind and body, to developing personality, to forming good citizens.

The principal infractions of the duty of military service are: 1, *mutilations* by which some render themselves improper for service; 2, *simulated infirmities* by which one tries to escape from the obligation; 3, *desertion* in times of war, and what

* *Droits et devoirs de l'homme*, Henri Marion, Paris, 1880, p. 67.

is more criminal still, *passing over to the enemy*; 4, *insubordination* or disobedience to superiors.

This latter vice is the most important to point out, the others being more or less rare; but insubordination is an evil most frequent in our armies, and a most dangerous evil. Military operations have become so complicated and difficult in these days, that nothing is possible without the strictest obedience on the part of soldiers. In times when individual valor was almost everything, insubordination might have presented fewer inconveniences; but in these days, all is done through masses, and if the men do not obey, the armies are necessarily beaten because they cannot oppose an equal force to the enemy. Suppose the enemy to be 50,000 men strong in a certain place, that you yourself belong to a body of 50,000, and that you all together reach the same place at the same time as the enemy: you are equal in numbers, one against one, and you have at least as many chances as they; and if, besides, you have other qualities which they have not, you will have more chances. But if in the corps you belong to, there is no discipline, if every one disobeys—if, for example, when the order for marching is given, each starts when he pleases, and marches but as he pleases, you will arrive too late, and the enemy will have taken the best positions; there is then one chance lost. If, moreover, through the disorder in your ranks, you do not all arrive together, if there are but 25,000 men in a line, the others remaining behind, these 25,000 will be overwhelmed. As for those who do not reach the spot, think you they will escape the consequences of the battle? By no means; the disorder will not save them; it will deliver them defenseless into the hands of the pursuing enemy. Now, all disorder is followed by similar consequences. On the other hand, the obedience of the soldier being sure, the army is as one man who lends himself to all the plans, all the combinations; who takes advantage of all the happy chances, who runs less dangers because the business proceeds more rapidly, and that with less means one obtains more re-

sults. Such are the reasons for the punctilious discipline required of soldiers. We are treated as machines, you will say. Yes; if you resist: for then constraint becomes indispensable; but if you understand the necessity of the discipline, if you submit to it on your own accord, then are you no longer machines: you are men. The only way of not being a machine is then precisely to obey freely.

It has often been asked, in these days, whether the soldier is always obliged to obey, even such orders as his conscience disapproves of. These are dangerous questions to raise, and they tend to imperil discipline without much profit to morality. No doubt if a soldier were ordered to commit a crime—as, for example, to go and kill a defenseless man—he would have the right to refuse doing it. At the time of the massacre of St. Bartholomew, an order was sent to all the provinces to follow the example of Paris. One of the governors, the Viscount Orthez, replied that his soldiers did not do executioner's service; and this answer was admired by all the world. But these are very rare cases; and it is dangerous for such uncertain eventualities to inspire mistrust against order and discipline, which are the certain guaranties of the defense and independence of a country.

91. Educational obligation.—The duty to instruct children results from the natural relations between parents and children. The obligation to raise children implies, in fact, the obligation to instruct them. There is no more education without instruction than instruction without education. To-day educational obligation is inserted in the law, and has its sanction therein. But parents owe it to themselves to obey the law without constraint.

92. Civil courage.—We have already spoken above of civil courage as opposed to military courage. But here is the place to return to this subject. Let us recall a fine page by J. Barni in his book on *Morality in Democracy:*

The stoics defined courage admirably: *Virtue combating for equity.* Civil courage might be defined: virtue defending the liberty and rights

of citizens against tyranny, whether this tyranny be that of the masses or a despot's. As much courage, and perhaps more, is demanded in the first case as in the second ; it is less easy to resist a crowd than a single man, were there nothing more to be feared than *unpopularity*, one of the disadvantages hardest to brave. How much more difficult when it comes to risking a popularity already acquired ? Yet must one, if necessary, be able to make the sacrifice. True civil courage shows itself the same in all cases. Thus, Socrates, this type of civil virtue, as he was of all other virtues, refused, at the peril of his life, to obey the iniquitous orders of the tyrant Critias ; and he resisted with no less courage the people, who, contrary to justice and law, asked for the death of the generals who conquered at Arginusæ. Another name presents itself to the memory, namely, that of Boissy d'Anglas, immortalized for the heroism he showed as president of the National Convention, the 1st Prairial, year II. (20 May, 1795). Assailed by the clamors of the crowd which had invaded the Assembly, threatened by the guns which were pointed at him, he remains impassible ; and without even appearing to be aware of the danger he is running, he reminds the crowd of the respect due to national representatives. They cry : " We do not want thy Assembly ; the people is here ; thou art the president of the people ; sign, says one, the decree shall be good, or I kill thee ! " He quietly replied : " Life to me is a trifle ; you speak of committing a great crime ; I am a representative of the people ; I am president of the convention ; " and he refused to sign. The head of a representative of the people who had just been massacred by the populace for having attempted to prevent the invasion of the Convention, is presented to him on the end of a pike ; he salutes it and remains firm at his post. This is a great example of civil courage.

CHAPTER VIII.

PROFESSIONAL DUTIES.

SUMMARY.

Professional duties: founded on the division of social work.

The absence of a profession—Leisure.—Is it a duty to have a profession? Rules for the choice of a profession.

Division of social professions.—Plato's theory; the Saint Simonian theory; Fichte's theory. Résumé and synthesis of these theories.

Mechanic and industrial professions.—Employers and employees.—Workmen and farmers.

Military duties.

Public functions.—Elective functions; the magistracy and the bar.

Science.—Teaching.—Medicine.—The arts and letters.

93. Division of social work.—Independently of the general duties to which man is held, as man or member of a particular group (family, country), there are still others relating to the situation he holds in society, to the part he plays therein, to his particular line of work. Society is, in fact, a sort of great enterprise where all pursue a common end, namely, the greatest happiness or the greatest morality of the human species; but as this end is very complex, it is necessary that the parts to be played toward reaching it be divided; and, as in industrial pursuits, unity of purpose, rapidity of execution, perfection of work, cannot be obtained except by *division of labor*, so is there also in society a sort of *social division of labor*, which allots to each his share of the common work. The special work each is appointed to accomplish

in society is what is called a profession, and the peculiar duties of each profession are the *professional duties.*

94. The absence of a profession—Leisure.—The first question to be considered is, whether a man should have a profession, or if, having received from his family a sufficient fortune to live without doing anything, he has a right to dispense with all profession and give himself up to what is called *leisure.* Some schools have condemned *leisure* absolutely, have denounced what they call *idlers* as the enemies of society. This is a rather delicate question, and concerning which one must guard against arriving at a too absolute conclusion.

And, in the first place, there cannot be question here of approving or permitting that sort of foolish and shameful leisure to which some young prodigals, without sense of dignity and morality, are given, who dissipate in disorder hereditary fortunes, or the wealth obtained by the indefatigable labor of their fathers. It is sometimes said that this does more good than harm, because fortunes pass thus from hand to hand, and each profits by it in his turn. But who does not know that to make a good use of a fortune is more profitable to society than dissipation? However that may be, nothing is more unworthy of youth than this nameless idleness, where all the strength of the body and soul, the energy of character, the life of the intelligence, all the gifts of nature are squandered. There have been sometimes seen superior souls who rose from such disorders victorious over themselves, and stronger for the combat of life. But how rare such examples! How often does it not, on the contrary, happen that the idleness of his youth determines the whole course of the man's life?

Sometimes, it is true, one may choose a life of leisure designedly, not with an idea of dissipation, but, on the contrary, with that of being free to do great things. Certain independent minds believe that a profession deprives a person of his liberty, narrows him, fastens him down to mean and monotonous occupations, subjects him to conventional and narrow modes of thinking—in short, that a positive kind of work weakens and lowers the mind. There is some truth in these remarks. Everybody has observed how men of different professions differ in their mode of thinking. What more different than a physician, a man of letters, a soldier, a merchant? All these men thought about the same in their youth; they see each other twenty years later; each has undergone a peculiar bent; each has his particular physiognomy, costume, etc. Not only has the profession absorbed the man, but it has also deadened his

individuality. One may conceive, then, how some ambitious minds may expect to escape the yoke and preserve their liberty in renouncing all professions. To be subject to no fixed and prescribed occupation, to depend upon no master, to nobly cultivate the mind in every direction, to make vast experiments, to be a stranger to nothing, bound to nothing, is not that, seemingly, the height of human happiness? Some men of genius have followed this system, and found no bad results from it. Descartes relates to us in his *Discours sur la Méthode* (Part I.), that, during nine years of his life, he did nothing but "roll about the world, hither and thither, trying to be a spectator, rather than an actor, in the comedies played therein." He tells us further, that he employed his "youth in traveling, in visiting courts and armies, in associating with people of various humors and conditions, in gathering divers experiences, in testing himself in the encounters chance favored him with, etc." That this may be an admirable school, a marvelously instructive arena for well-endowed minds, no one will doubt; but what is possible and useful to a Descartes or a Pascal, will it suit the majority of men? Is it not to be feared that this wandering in every direction, this habit of having nowhere a foot-hold, may make the mind superficial and weaken its energy?

He who renounces being an actor, to be only a spectator, as did Descartes, takes too easy a part; he frees himself from all responsibility: this may sharpen the mind, but there will always remain some radical deficiency. Force of character, however, and personal superiority may set at naught all these conclusions—sound as they in general are in theory.*

It may, therefore, be doubtful whether a life of leisure, with some exceptions, be good for him who gives himself up to it; but what is not legitimate, is the kind of jealousy and envy which those who work often entertain against those who have nothing to do. There is a legitimate leisure and nobly employed. For example, a legitimate leisure is that which, obtained through hereditary fortune, is engaged in gratuitously serving the country, in study, in the management of property, the cultivation of land, in travels devoted to observation and the amelioration of human things, in a noble intercourse with society. It is a grievous error to wish to blot out of societies all existence that has not gain for its end, and is not connected

* The preceding quotation is from our *Philosophie du bonheur*.

with daily wants. Property and riches are true social functions, and among the most difficult of functions. Those who know how to use them with profit, fill one of the most useful parts in society, and cannot be said to be without a profession.

95. Of the choice of a profession.—If it is necessary in society to have a profession, it is important that it be well chosen. He who is not in his right place, is wanting in some essential quality to fill the one he occupies:

"If the abbé de Carignan had yielded to the wishes of Madame de Soissons, his mother, what glory would not the house of Savoy have been deprived of! The empire would have been deprived of one of its greatest captains, one of the bulwarks of Christianity. Prince Eugene was a very great man in the profession they wished to interdict him; what would he have been in the profession they wished him to embrace? M. de Retz insisted absolutely that his youngest son should be an ecclesiastic, despite the repugnance he manifested for this profession, despite the scandalous conduct he indulged in to escape from it. This duke [M. de Retz] gives to the church a sacrilegious priest, to Paris a sanguinary archbishop, to the kingdom a great rebel, and deprives his house of the last prop that could have sustained it." *

One should, therefore, study his vocation, not decide too quickly, get information on the nature and duties of different professions; then consult his taste, but without allowing himself to be carried away by illusory, proud, inconsistent fancies; consult wise and enlightened persons; finally, if necessary, make certain experiments, taking care, however, to stop in time.

96. Division of social professions.—It would be impossible to make a survey of all the professions society is composed of: it were an infinite labor. We must, therefore, bring the professions down to a certain number of types or classes, which allow the reducing of the rules of *professional morality* to a small number. Several philosophers have busied themselves in dividing and classifying social occupations. We shall recall only the principal ones of these divisions.

Plato has reduced the different social functions to four

* *Philosophie sociale*, Essai sur les devoirs de l'homme et du citoyen, par l'abbé Durosoi (Paris, 1783).

classes, namely: 1, *magistrates;* 2, *warriors*; 3, *farmers;* 4, *artisans.* The two first classes are the governing classes; the two others are the classes governed. The two first apply themselves to moral things: education, science, the defense of the country; the others to material life. This classification of Plato is somewhat too general for our modern societies, which comprise more varied and numerous elements: these divisions, nevertheless, are important, and should be taken account of in morals.

Since Plato, there is scarcely any but the socialist Saint-Simon who attempted to classify the social careers. He reduces them to three groups: *industrials*, *artists*, and *scientists* (savants). The meaning of this classification is this: the object of human labor, according to Saint-Simon, is the cultivation of the globe—that is to say, the greatest possible production; but this is the object of productive labor; it is what is called *industry.* Now, the cultivation of nature requires a knowledge of nature's laws, namely, *science.* Science and invention are, then, the two great branches of social activity. According to Saint-Simon, work—that is to say, industry—must take the place of war; science, that of the laws. Hence no warriors, no magistrates; or, rather, the scientists (savants) should be the true magistrates. Science and industry, however, having only relation to material nature, Saint-Simon thought there was a part to be given to the moral order, to the *beautiful* or the *good;* hence a third class, which he now calls *artists*, now *moralists* and *philosophers*, and to whom a sort of religious rôle is assigned. It will be seen that this theory is absolutely artificial and utopian, that it has relation to an imaginary system, and not to the order of things as it is: it is an ingenious conception, but quite impracticable.

One of the greatest of modern moralists, the German philosopher Fichte, assigned, in his *Practical Morality*, a part to the doctrine of *professional* duties; and he began by giving a theory of the professions more complete and satisfactory than any of the preceding ones.

Fichte makes of the special professions two great divisions: 1, those which have for their object the keeping up of material life; 2, those which have for their object the keeping up of intellectual and moral life. On the one side, *mechanical labor;* on the other, *intellectual* and *moral labor.*

The object of mechanical labor is *production*, *manufacture*, and *exchange* of produce; hence three functions: those of **producers, manufacturers,** and **merchants.**

The moral and spiritual labor has also three objects: 1, the administration of justice in the State; 2, the theoretic culture of intelligence; 3, the moral culture of the will. Hence three classes: 1, **public functions;** 2, **science and instruction;** 3, **the Church and the clergy.** Lastly, there is in human nature a faculty which serves as a link between the theoretical and the practical faculties: it is the *esthetic sense;* the sense of the beautiful; hence a last class, that of **artists.**

This theory is more scientific than that of the Saint-Simonians, but it is still somewhat defective; it is not clear, for example, in a moral point of view, that there is a great difference of duties between the producers, manufacturers, and merchants: they are economical rather than moral distinctions. Plato's division is better, when he puts the farmers in opposition to the artisans. It is certain that there are, especially in these days, interesting moral questions, which differ according as the workmen live in the city or in the country. We therefore prefer on this point Plato's division; and we will treat, on the one side, *industry* and *commerce*, and on the other *agriculture;* and in each of these divisions we will distinguish those who direct or remunerate the work, namely, contractors, masters, proprietors, capitalists in some degree, and those who work with their hands and receive wages.

In characterizing the second class of careers, those which have moral interests for their object, we will again borrow of Plato one of the names of his division, namely, the *defense of the State.* As to the administration of justice in the State, it is divided, as we have already said, into three powers: the

executive, *legislative*, and *judicial* powers. Hence three orders of functions: *administration*, *deputation*, and the *magistracy*, with which latter is connected the *bar*.

As to science, it is either *speculative* or *practical*.

In the first case, it only concerns the individual; we have spoken of it under individual duties (ch. iv.). In the second case, it has for its object *application*, and bears either on *things* or on *men*.

Applied to things, science is associated with the industry we have already spoken of. Applied to men, it is *medicine*, in respect to bodies; *morality* or *religion*, in respect to hearts and souls.

Lastly, along with the sciences which seek the true, there are the letters and the arts which treat of and produce the beautiful. Hence a last class, namely, *poets*, *writers*, *artists*.

Such is about the outline of what a system of social professions might be. A treatise of professional morality which would be in harmony with this outline, would be all one science, the elements of which scarcely exist, being dispersed in a multitude of works, or rather in the practice and interior life of each profession. We will content ourselves with a few general indications.

97. I. Mechanical and industrial professions.—1. *Employers and employees.*—The professions which have for their object the material cultivation of the globe, and particularly *industry* and *commerce*, are divided into two great classes: 1, on one side, those who, having capital, *undertake* and direct the works; 2, those who execute them with their arms and receive *wages*. The first are the *employers*; the second the *employees*. What are the respective duties of these two classes?

98. Duties of employers.—The duties of all those who, by virtue of their capital legitimately acquired, or by virtue of their intelligence, command, direct and pay for the work done by men, are the following:

1. They should raise the wages of the workmen as high as

the state of the market permits; and they should not wait to be compelled to it by strikes or threats of strikes. Conversely, they should not, from weakness or want of foresight, yield to every threat of the kind; for in raising the wages unreasonably high, one may disable himself from entering into foreign competition, or may cause the ruin of the humbler manufacturers who have not sufficient capital.

2. Capitalists, employers and masters should obey strictly the laws established for the protection of childhood. They should employ the work of minors within proper limits, and according to the conditions fixed by the law.

3. Their task is not done when they have secured to the workmen and their children the share of work and wages which is their due, even when they are content to claim nothing beyond justice. They have yet to fulfill toward their subordinates the duties of protection and benevolence; they must assist them, relieve them, be it in accidents happening to them in the work they are engaged in, or in illness. They must spare them suspensions of work as much as possible; in short, they must, through all sorts of establishments—schools, mutual-help societies, workmen-cities (*cités ouvrières*), etc.—encourage education, economy, property, yet without forcing upon them anything that would diminish their own responsibility or impair their personal dignity.

99. Duties of workingmen.—The duties of workingmen should correspond to those of the employers.

1. The workingmen owe it to themselves not to cherish in their hearts feelings of hatred, envy, covetousness, and revolt against the employers. Division of work requires that in industrial matters some should direct and others be directed. Material exploitation requires capital; and those who bring this capital, the fruit of former work, are as necessary to the workingmen to utilize their work as these are to the first in utilizing their capital.

2. The workingmen owe their work to the establishment which pays them; it is as much their interest as their duty.

The result of *laziness* and *intemperance* is *misery*. We cannot enough deplore the use of what is called the *Mondays*—a day of rest over and beyond the legitimate and necessary Sunday. It is certain that one day of rest in a week is absolutely a necessity. No man can nor ought (except in circumstances unavoidable) work without interruption the whole year through. But the week's day of rest once secure, all that is over and above that, is taken from what belongs to the family and the provisions against old age.

3. Supposing that, in consequence of the progress of industry, the number of hours of rest could be increased—that, for example, the hours of the day's work could be reduced—these hours of rest should then be devoted to the family, to the cultivation of the mind, and not to the fatal pleasures of intoxication.

The workingmen have certainly a right to ask, as far as they are worthy of it, equality of consideration and influence in society; and all our modern laws are so constituted as to insure them this equality. It rests with them, therefore, to render themselves worthy of this new equality by their morals and their education. To have their children educated; to educate themselves; to occupy their leisure with family interests, in reading, in innocent and elevating recreations (music, the theatre, gardening, if possible), it is by all such pursuits that the workingmen will reduce or entirely remove the inequality of manners and education which may still exist between them and their superiors.

4. Workingmen cannot be blamed for seeking to defend their interests and increase their comforts; in so doing they only do what all men should do. They have also the right, in order to get satisfaction, to attach to their work such conditions as they may reasonably desire: it is the *law of demand* and *supply*, common to all industries. In short, as an individual refusal to work is a means absolutely inefficacious to bring about an increase of wages, it must be admitted that the workingmen have a right to act in concert and collect-

ively to refuse to work, and, collectively, to make their conditions; hence the right of strikes recognized to-day by the law. But this right, granted to the principle of the liberty of work, must not be turned against this principle. The workingmen who freely refuse to work should not stand in the way of those who, finding their demands ill-founded, persist in continuing to work under the existing conditions. All violence, all threats to force into the strike him who is opposed thereto, is an injustice and a tyranny. This violence is condemned by law; but as it is easily disguised, it cannot always be reached; it is, therefore, through the morals one must act upon it—through persuasion and education. The workmen must gradually adopt the morals of liberty, must respect each other. For the same reason they should respect women's work; should not interdict to their wives and daughters the right of improving their condition by work. Unquestionably it is much to be desired that woman should become more and more centred in domestic duties, the care of her household and family. This is her principal part in the social work. But as long as the imperfect condition of the laboring classes does not permit this state of things, it may be said that the workmen work against themselves in trying to close the field of industry to women.

The tendency toward the equality of wages, as the ideal of the remuneration of work, is also to be condemned. Nothing is more contrary to the spirit of the times, which demands that every one be treated according to his work. Capacity, painstaking, personal efforts, are elements that demand to be proportionately remunerated. Let us add, that it is the duty of head masters, in the case of a good will, succumbing to physical inability, to conciliate benevolence and equity with justice; this, however, is only an exceptional case. But, as a principle, each one should be rewarded only for what he has done. Otherwise there would be an inducement to indifference and idleness.

100. Workmen and farmers.—Having considered work-

men in their relations with their masters, let us consider them now on a line with farmers; for, according as one lives in the city or in the country, there is a great difference in manners, and consequently in duties. The workmen who live in the city are for that very reason more apt to acquire new ideas and general information; they have many more means of educating themselves; the very pleasures of the city afford them opportunities to cultivate their mind. Besides, living nearer to each other, they are more disposed to consider their common interests and turn them to account. Hence advantages and disadvantages. The advantages are, the superiority of intellectual culture, the greater aptitude in conceiving general ideas, a stronger interest in public affairs; in all these respects, city-life presents advantages over country-life. But hence also arise great dangers. The workingmen, quite ready to admit general ideas, but without sufficient information and political experience to control them, abandon themselves readily to utopian preachings and instigations to revolt. Further, very much preoccupied with their common interests, they are too much disposed to think only of their own class, and to form, as it were, a class apart in society and in the nation. Hence for the workmen a double duty: 1, to obtain enough information not to blindly follow all demagogues; 2, to learn to consider their interests as connected with all those of the other classes and professions.

Farmers are indebted to the country-life for certain advantages, which carry with them, at the same time, certain disadvantages. The farmer is generally more attached to social stability than the more or less shifting inhabitants of the towns; he thinks much of property; he does not like to change in his manners and ideas. He is thereby a powerful support to conservatism and the spirit of tradition, without which society could not live and last. He has, moreover, had till now the great merit of not singling himself out, of not separating his interests from those of the country in general. Thus, on these two points—opposition to utopias, preservation

of social unity—the countryman serves as a counterpoise to all the opposite tendencies in the workmen. But these very qualities are, perhaps, the result of certain defects: namely, the absence of information and enlightenment. The countryman sees not very much beyond his church-steeple; material life occupies and absorbs him wholly; individual and personal interests are absolutely predominant in him. He is but little disposed to give his children any education; and he is disposed to look upon them as so many instruments of work less expensive than others. The idea of a general country, general interests surpassing private interests, is more or less wanting in him. What it is necessary to persuade the countryman of, is the usefulness of education. He should be inspired with a taste for liberty, which is a security to him and his family, as well as to all the other classes of society. The workman in becoming better informed, the farmer more informed, they will gradually blend with the middle classes, and there will then be no longer those oppositions of classes and interests so dangerous at the present day. (See Appendix.)

101. II. Military duties.—We have already considered military duties, as the duty of citizens toward the State; we have now to consider here military duties in themselves, as special duties, peculiar to a certain class of citizens, to a certain social profession.

1. It is useless to say that the peculiar virtue and special duty of the military class is *courage*. We have but to refer the reader to what will be said further on (ch. xiv.) touching the virtue of courage, in regard to the duties of man toward himself.

2. *Patriotism* is a duty of all classes and all professions; but it is particularly one with those who are commissioned to defend the country: it is, therefore, the military virtue *par excellence*.

3. *Fidelity to the flag.*—This duty is implied in the two preceding ones. The duty of courage, in fact, implies that one should not flee before the enemy: it is the crime of *deser-*

tion; that one should not pass over to the enemy: it is the crime of *defection* or *treason*. This latter crime has become very rare, and has even wholly disappeared in modern France. Formerly there was seen a Condé, the great Condé fighting against the French at the head of Spanish troops; and so great a fault scarcely injured his reputation; in our days, a simple suspicion, and that an unjust one, blackened the whole life of a Marshal of France.*

4. *Obedience and discipline.* (See above, *Duties toward the State*, preceding chapter.)

102. III. Public functions—Administration—Deputation—Magistracy—The Bar.—The public functions are the divers acts which compose the government of a State. We even include the *elective* functions (deputation, general councils, town councils, etc.), because, whilst they have their origin in election, they are, nevertheless, functions, the purpose of which is the *common weal*, *public interests*. For the same reason, though the bar is a free profession, it is so connected with magistracy, it is so necessary a dependency of the judicial power, that it is thereby itself a sort of public power.

103. Functionaries.—We call *functionaries*, more particularly, those who take part in the administration of the country and the execution of its laws. This admitted, the principal duties of functionaries are:

1. The *Knowledge of the laws* they are commissioned to execute. Power is only legitimate as far as it is guaranteed by *competency*. Ignorance in public functions has for its results *injustice*, since arbitrariness takes then the place of the law; administrative *disorder*, since the law has precisely for its object to establish rules and maintain traditions; *negligence*, since ignorant of the principles by which affairs ought to be settled, conclusions are kept off as much as possible. But one must not defer obtaining administrative information till called

* Marshal Marmont was accused of treason for having accepted the capitulation of Essonne, which was perhaps imposed upon him by necessity.

to take a share in the administration. A general information should be acquired beforehand; for, once engaged in administrative affairs, there is then no longer time to acquire it.

To go to work is, therefore, the first duty of those who would be prepared for public functions; and this duty of work continues with the functions; for after general information has been obtained, comes the special and technical information, where there is always something new to learn.

2. The second duty of functionaries of any degree, is *exactitude* and *assiduity*. The most brilliant qualities, and the largest and amplest mind for public affairs, will render but inefficient service—at any rate, a service very inferior to what could be expected of them, if these qualities are counterbalanced and paralyzed by negligence, laziness, disorder, inexactness. One must not forget that all negligence in public affairs is a denial of justice to some one. An administrative decision, whatever it be, has always for its result to satisfy the just, or to deny the unjust, claims of some one. To retard a case through negligence, may therefore deprive some one of what he has a right to. There are, of course, necessary delays which arise from the complication of affairs, and order itself requires that everything come in time; but delays occasioned by our own fault are a wrong toward others.

3. *Integrity* and *discretion* are also among the most important duties of functionaries. The first bears especially upon what concerns finances; but there are everywhere more or less opportunities to fail in probity. For example, there is nothing more shameful than to sell one's influence; this is what is called *extortion*. An administrator given to extortion is the shame and ruin of the State. As to discretion, it is again a duty which depends on the nature of things. It is especially obligatory when persons are in question, and still more so in certain careers—as, for example, in *diplomacy*.

4. *Justice.*—The strict duty of every administrator or functionary, is to have no other rule than the *law;* to avoid *arbitrariness* and *favor*, to have no regard to persons. This

duty, it must be said, whilst it is the most necessary, is also the most difficult to exercise, and one which requires most courage and will. Public opinion, unfortunately, encourages in this respect, the weaknesses of officials; it is convinced, and spreads everywhere this conviction, that all is due to *favoritism*, that it is not the most deserving that succeed, but the best recommended. Everybody complains of it, and everybody helps toward it. There is unquestionably much exaggeration in these complaints. Favor is not everything in this world. It is too much the interest of administrators that they should have industrious and intelligent assistants, and that they should employ every means to choose them well; and in public affairs, the interests of the common weal always predominate in the end. It is, nevertheless, an evil that so unfavorable a prejudice should exist; and it is absolutely a duty with functionaries to uproot it, in showing it to be false.

104. Elective functions—Deputation—Elective councils.—There is a whole class of functionaries, if it be permitted to say so, who owe their origin to election, and who are the mandataries of the people, either in municipal councils, or in general councils, or in the great elective bodies of the State, the *Senate* and *House of Representatives*. (See *Civil instruction.*) The principle of the sovereignty of the people requires that for all its interests, communal, departmental or national, the country have a deliberative voice by means of its representatives. The duties of these mandataries are generally the same in any degree of rank.

1. *Fidelity to the mandate.*—The representative is the interpreter of certain opinions, of certain tendencies, and although the majority which have elected him comprise very diverse elements, there exists an average of opinions, and it is this average which the deputy represents, or should represent. He would, therefore, fail in his duty if, once elected, he passed over to his opponents, or, if wishing to do so, he did not tender his resignation. However, this fidelity to the mandate should not be carried so far as to accept what is called the *im-*

perative mandate, which is the negation of all liberty in the representative, and makes of him a simple voting machine. The representative is a representative precisely because he is empowered, on his own responsibility, to find the best means to carry out the wishes of his constituents.

2. *Independence.*—The deputy, senator, municipal, or departmental officer should be independent both in regard to the authorities and in regard to the electors. From the authorities he should receive no favors; he should not sell his vote in any interest whatsoever; from the electors he has to receive advice only, but no orders. Outside their office as electors, the electors are nothing but simple individuals. As such they may try to influence representatives, but they have otherwise no other title before the representatives of the electoral corps. The representative should, above all, avoid making himself the servant of the electors, for the satisfaction of their private interests and passions. It is often thought that independence only consists in resisting courts and princes; there is no less independence, and sometimes even is there more merit and courage required to resist the tyranny of the masses, and especially that of popular leaders. The deputy should, we have said, be faithful to his trust—that is to say, to the general line of politics adopted by the political party to which he belongs; but within these general limits it is for him to assume the responsibility, for it is for this very reason that he is elected a representative. Let us, moreover, add that fidelity to opinions should not degenerate into party spirit, and that there is an interest which should supersede all others, namely, the interest of the country.

3. The spirit of *conciliation* and the spirit of *discipline.*—Political liberty, more than any other political principle, requires the spirit of concession. If each, indeed, fortifies himself in his own opinions, without ever making a concession, all having the right to do the same, it is evident that no common conclusion can be arrived at. The consequence of the

liberum veto,* pushed to excess, is paralysis of power or anarchy. Nothing is done; and in politics, when nothing is done, all becomes disorganized, dissolved. It is, therefore, necessary that whilst preserving their independence, the representatives sent forth by the electors should endeavor to render government possible; they should not overstep the limits of their trust by confounding legislative power with executive power; they should try to harmonize with the other bodies of the State—in short, they ought each to sacrifice the necessary amount of their individual opinion to bring about a common opinion. In a free government it is no more a duty to belong to the *majority* than to the *opposition*, since the opposition may, in its turn, become majority; but whether belonging to the one or to the other, the representative should subordinate his particular views to the common interest; otherwise the parties scatter, which, in the long run, can only be profitable to despotism.

105. Judicial power.—The magistracy and the bar.—The judicial power is exercised by magistrates called *judges:* it is they who decide about quarrels between individuals: this is what is called *civil justice;* they also decide about the punishments inflicted on criminals who have made attempts upon a life or property; and this is *penal justice.* The duties of the magistrate are easily deduced from these obligations.

1. *Impartiality and neutrality.*—The judge must necessarily remain *neutral* among all parties; he should have no regard to persons, should render equal justice to the rich and to the poor, to the high and to the low. *Equality before the law*, which is one of the principles of our modern institutions, should not only be a principle in the abstract; it should also be a practical principle, and be brought before the eyes of the judges as one among the first of their obligations.

* The *liberum veto* in Poland was the right of each representative to oppose the veto of the laws which were voted unanimously.

2. *Integrity and disinterestedness.*—No less strict a duty for the judges, and which it is scarcely necessary to point out, is integrity. The magistrate should be free from all suspicion of venality. Under the old *régime*, as may be seen in Racine's comedy of *The Pleaders*, the judges were not always free from such suspicion. Of course, it is but a comedy; but such a comedy could no longer be written nowadays; it would no longer be understood; our morals are too much improved for that. The obligation should, nevertheless, be pointed out.

3. Impartiality and integrity concern above all civil justice. The duty which more especially concerns criminal justice, is *equity;* namely, a moderate justice, intermediary between a dangerous lenity and an excessive severity. In truth, in most cases, at least in the graver cases, the judge has scarcely anything more to do than to apply the law. It is for the jury, a sort of free and irresponsible magistracy, to decide upon the culpability or innocence of the prisoners. It is for the jury to find a just medium between harshness and lenity. But the juryman who, above all, judges as a man, and often recoils from responsibility, should fear the excess of lenity: the judge, on the contrary, accustomed to repression, and above all preoccupied with the interests of society, should rather defend himself against excess of rigor and severity.

4. *Knowledge.*—What is for most men but a luxury, becomes in such or such a profession a strict duty. *The knowledge of the laws*, for example, is, for the magistrate, as the knowledge of the human body for the physician, a strict obligation. He who wishes to enter the magistracy, should therefore carry the study of the law as far as his youth permits it; but he should not stop his studies the moment he has entered upon his career. He has always something to learn; he should keep himself informed of the progress jurisprudence is making. It is useless to say that, independently of this general work, the special and thorough study of each case brought before him is for the judge a duty still more strict.

Alongside of the magistracy, and co-operating with it, is placed the *bar*, which is charged with the defense of private interests from a civil or criminal point of view.

From a civil point of view, the trial is between two citizens, each claiming his right in the case; they are what is called *pleaders*, and the trial itself is called a *law-suit*. The pleaders, not knowing the laws, need an intermediary to explain and defend their cause, bring it clearly to the comprehension of the magistrates and enforce its reasons. This is the part of the lawyers.

From a criminal point of view, the trial is not between two individuals; but between society and the criminal. Society, to defend itself, employs what is called a *public prosecutor;* the criminal needs a *counsel*. The part of a counsel belongs again to the lawyers.

The duties of lawyers are varied according as the cases are civil or criminal cases.

In civil law-suits, the absolute duty is the following: not to take up *bad cases*. Only it is necessary to understand well this principle. It is generally believed that a bad case is the losing one, and a good case the winning one. Thus would there in every law-suit be a lawyer who failed in his duty: the one, namely, who lost the case. This is a false idea, which very unjustly throws in many minds discredit upon the profession of the law.

Certainly there are cases where the law is so clear, jurisprudence so established, the morality so evident and imperious, that a suit having the three against itself, may be called a bad case; and the lawyer who can allow his client to believe the suit defensible, and who employs his skill and eloquence in defending it, fails in his professional duty. But this is not generally the case. In most cases, it is very difficult to tell beforehand who is right, who wrong, and precisely because it is difficult, are there judges whose proper function it is to decide. Now, in order that the judge may decide, he must be acquainted with all the details of the case; all possible reasons

from both sides must be laid before him. Everybody knows that one can never of one's own account find in favor of a solution or conclusion, all the reasons which the interested party can; now, it is just that these reasons be set forth: this is the business of the lawyers. One must not forget that in every law-suit there is a pro and a con. It is for this very reason there is a suit. The lawyers are specially here to plead for the pro and con, each from his own standpoint. One could very well understand, for example, that the court should have at its disposal functionaries commissioned to prepare the cases and plead for the contending parties: one would take up Peter's cause, the other, Paul's; this is just the part of the lawyers, with this difference, that the choice of the lawyer is left to the client, because it is but just that a deputy be chosen by him he is supposed to represent.

In criminal cases there are equally very delicate questions. How can a lawyer defend as innocent one who is guilty? Were it not an actual lie? And yet society does not allow that any accused, whoever he be, be left without counsel; and when none present themselves, it provides one, charging him to save the life of the accused if he can. It is the interest of society that no innocent person be condemned, and that even the guilty should not be punished beyond what he deserves; in short, it takes care that all the reasons that can be brought forth to attenuate the gravity of an offense be well weighed, and even set forth in a manner to arouse pity and sympathy. Such is the business of the lawyers.

It is evident that these considerations, which show the lawyer's profession to be one so legitimate and exalted, should not be improperly understood. These general rules must be interpreted with delicacy of feeling and conscience.

106. IV. Science — Teaching — Medicine—The letters and arts.—Beside the *social powers* which *make*, *execute* and *apply* the laws, there is *science*, which instructs men, enlightens them, directs their work, and which even, setting utility aside, is yet in itself an object of disinterested research.

Side by side with the sciences are the letters and arts, which pursue and express the *beautiful*, as science pursues the *true*. Finally, to science and art are added *morality* and *religion*, whose object is the *good*. The moralists, it is true, do not constitute a particular profession in society, or at least their part is blended with teaching in general; religion has its interpreters, who find in their dogmas and traditions the rules of their duties. It is not the business of lay morality to teach these. Let us, therefore, content ourselves with a few principles concerning the sciences and letters.

107. Science—Duties of Scientists.—Science may be cultivated in two different ways and from two different standpoints: 1, for itself; 2, for its social advantages—for the services it renders to men. There is but a small number of men who have a natural taste for pure science, and the leisure to give themselves up to the love of it; but those who choose such a life contract thereby certain duties.

The first of all is the *love of truth*. The only object for the scientist to pursue is truth. He must, therefore, lay aside all interests and passions antagonistic to truth; and, above all, personal interest which inclines one to prefer one theme to another, because of the advantages it may bring; this is, however, so gross a motive, that it would not be supposed to exist with a true scholar; yet are there other causes of error no less dangerous—for example, the interest of a cause—of a conviction which is dear to us; the interest of our self-love, which makes us persist in error known to be such; the spirit of system, by which one shows his peculiar forte, etc. All these passions should give way before the pure love of truth.

108. The communication of science—Teaching.—The principal duty of those who are possessed of science is to communicate it to other men. Certainly, all men are not called to be scholars; but all should in some degree have their intelligence cultivated by *instruction*. Hence the duty of teaching imposed upon scholars; but this duty brings with it many others.

1. The masters who teach others should themselves first be

educated. Hence the duty of intellectual work, not merely to acquire knowledge, without which one cannot be a teacher, but to preserve and increase it. The teacher should, therefore, set an example to his pupil of assiduous and continuous intellectual work.

2. The teacher should love his pupils—children, if he is called upon to teach children; young men, if he is to address young men. The teacher should not only think of the science he teaches, but of the fruits his pupils are to reap from it; one can only be interested in what he loves. A teacher indifferent toward the young, will never make the necessary effort to lead and educate them.

3. The teacher, in teaching, should unite in a just measure *discipline* and *liberty*. Instruction naturally presupposes one that knows and one that does not know; and it is necessary that the one should direct the other; hence the necessity of discipline. But the purpose of instruction is to teach to do without the master—to be one's own master in thought and conduct; hence the necessity of liberty. This liberty should grow along with the instruction, and, of course, proportionately to age; but, at any age, one should take advantage of the faculties of a child, and make it as much as possible find out by itself what is within its reach.

4. The teacher should not separate *instruction* from *education*. He should not only communicate knowledge—he should above all form men, characters, wills. Instruction is, besides, already in itself an education. Can one instruct without accustoming young minds to work, to obedience, to correct habits of thought; without putting into their hands good books; without giving them good examples? It is most true that one does not form men with pure and abstract science alone,—it is necessary to add the letters, history, morality, religion. The teacher, besides, should study the character of his pupils, should, through work and moral and physical exercises, put down presumption, correct unmanliness, combat selfishness, anticipate or restrain the passions.

109. Applied science—Industry—Medicine.—Science may find its application in two ways, either to *things*, or to *men*. Applied to things, it is called *industry;* applied to men, *medicine*. There are no special duties concerning industrial pursuits. Engineers, private or in the service of the State, employed in civil or military works, have no other duties then the general duties of functionaries, military-men, employees, etc. It is not the same with medicine. There are here obligations of a special and graver nature.

110. Duties of the physician—His knowledge.—Knowledge is an obligation in every profession; everywhere it is indispensable to know the thing one is engaged in; but, in medicine, ignorance is of a much more serious character: for it may end in *manslaughter*. How can any one attend the sick if he knows nothing of the human body; if he is ignorant of the symptoms of a disease? He has, it is true, the resource of doing nothing; but might not this also be manslaughter? Does he not then take the place of him who knows and might save the patient?

2. *Secrecy.*—The physician is above all held to secrecy. He must not make known the diseases which have been revealed to him. This is what is called *medical secrecy*. This obligation may in certain cases give rise to the most serious troubles of conscience; but, as a principle, it may be said that secrecy is as absolute a duty for the physician as it is for the father-confessor.

3. *Courage.*—The physician, we have seen, has his *point d'honneur*, like the military-man; he often runs equally great dangers: he must, if necessary, devote himself and risk his life. He requires also a great moral courage, when he is brought before a serious illness where, at the moment of a dangerous operation, when his hand must be as firm as his mind, he needs all the self-possession he can command.

4. Duties toward the sick: *Kindness* and *severity.*—The physician should be firm in the treatment of his patients; he should insist that his prescriptions be unconditionally fol-

lowed, for his responsibility rests on this: he should rather give up the case than consent to a dangerous disobedience. At the same time he must encourage the patient, raise his strength by inspiring him with confidence, which is half the cure. He must also, without deceiving it, uphold the courage of the family. In some cases it may be necessary to tell the patient the danger he is in.

III. Writers and artists.—The morality of writers and artists is, as in all the preceding cases, determined by the object these persons devote their lives to. The object of the writer and artist is the realization of the *beautiful*, either in speech or writing (literature), or through color and lines (painting, sculpture), or through sound (music). In all these arts, the leading thought should be the interests of the art one is cultivating. One should as much as possible beware turning it into a trade—that is to say, into a mercenary art, having gain only for its object. Certainly one must live, and it is rare that writers, poets, artists, have at their command resources enough to do without the pecuniary fruit of pen or hand; but the attainment of the beautiful should be preferred to that of the useful: study, the imitation of the great masters, contempt for fashion, striving after all that is delicate, noble, pure, the avoiding of all that is low, frivolous, factitious: such are the principles which should regulate the morality of artist and writer. It is useless to add that they should seek their success in what elevates the soul, and not in what corrupts and degrades it. Coarseness, brutality, license, should be absolutely condemned. Better to devote one's self to a useful and humble profession than employ one's talent in depraving morals, and degrading souls.

The duties of the poet have been eloquently expressed by Boileau in his *Art poétique*.

1. It is a duty to devote one's self to poetry and the fine arts only when one has a decided vocation for them.

"Be rather a mason, if that be your talent."

2. The poet should listen to good advice.

"Make choice of a solid and wholesome censor."

3. The poet and artist should, in their verses and works, be the interpreters of virtue.

"Let your soul and your morals, depicted in your works,
Never present of you but noble images."

Love, then, virtue; nourish your soul therewith.

"The verse always savors of the baseness of the heart."

4. They must avoid jealousies and rivalries.

"Flee, above all, flee base jealousies."

5. They must prefer glory to gain.

"Work for glory and let no sordid gain
Ever be the object of a noble writer."

CHAPTER IX.

DUTIES OF NATIONS AMONG THEMSELVES—INTERNATIONAL LAW.

SUMMARY.

General principles of international law.—They are the principles of the natural law applied to the relations nations sustain to each other.

Of war.—War founded on the right of self-defense. The reasons for a just war.

Defensive and offensive wars.—This division does not necessarily correspond to that of just or unjust wars.—Precautions and preparations.—Duties in times of war: to reconcile as much as possible the rights of humanity with those of patriotism.—Rights of war concerning the enemy's property.—Conquest.—Neutrality.

International treaties: their character; their forms; their different species.—Essential conditions for public treaties: they are the same as for private contracts.

Observance of treaties.—Obligatory character of treaties: testimony of Cardinal Richelieu.

THE human race being divided into divers particular societies called *States* or *nations*, those different bodies stand toward each other as individuals; they are subject to the primitive laws existing naturally among all men, and they are obliged to practice certain duties toward each other.

112. International law.—General principles.—It is this body of laws which is called *international law*, and which is nothing more than the natural law itself, or the moral law applied to nations.

It is by virtue of this natural law that the nations ought to

consider each other equals, and independent of each other; that they should not injure each other, and should make each other, on the contrary, reparation for injury done. Hence the right of self-defense in case of attack, of repelling and restraining by force whatever violence may threaten or oppress them.

When nations practice toward each other the prescriptions of the natural law, they are in a state of *peace* with each other; when they are obliged to resort to force to repel injustice, they are in a *state* of *war*.

113. War.—It is evident that in all nations the ruler, whoever he be (the people, nobles, or king), ought to have the right to carry on war; for it is nothing else than the *right of self-defense*, and this right is the same for the nation as for individuals. War is, then, legitimate in principle; but in fact, it may be *just* or *unjust* according as it takes place for good or bad reasons, and sometimes for no reason at all.

114. Reasons of a just war.—It is not easy to say in advance and in a general manner, what may be the reasons of a just war; for they vary according to circumstances; they may be all reduced to one fundamental principle, namely, the defense of the national territory when threatened. Moreover, a war may be undertaken not only in self-defense, but to protect allies when they are unjustly attacked. As for the following reasons, more or less frequently alleged as pretexts for war, good morality cannot justify them:

1. Thus, the fear of the powerful neighbor, giving, for example, as a pretext that he erects new citadels on his lands, organizes an army, increases his troops, etc., is not a sufficiently just reason for war.

2. Utility does not give the same right as necessity: for example, arms could not legitimately be resorted to in order to gain possession of a place which might suit our convenience, and be proper to protect our frontiers.

3. The same may be said of the desire to change dwelling-place, to leave marshes, deserts, in order to settle in a more fertile country.

4. It is no less unjust to make attempt upon the rights and liberties of a people under pretext that they are less intelligent or less civilized than we are. The cause of civilization is, then, not a cause for just war so long as we have not ourselves been attacked by barbarians.

5. Nor is it just to conquer a people under pretext that our conquest may be to its advantage, bring it riches, or liberty, or morality, etc.

115. Defensive and offensive wars.—We distinguish two kinds of war, *defensive* and *offensive*. The first consists in defending the national territory, the second, in attacking the enemy's territory.

It would be a mistake to confound defensive and offensive wars with just and unjust wars, and to believe that only the defensive wars are just, and all offensive ones unjust. This distinction has nothing to do with the causes of the war, but concerns the manner of engaging in it; sometimes one's interest lies in allowing one's self to be attacked, sometimes in attacking. He who has done us injustice may very well wait for us to come to him, instead of carrying arms to us; this does not prove him to be in the right. He who, on the contrary, takes up arms to obtain reparation for an injustice or an insult, does not prove thereby that he is in the wrong.

116. Precautions and preparations.—Even in the case of just causes, there are certain precautions and preparations necessary in order that the war be called a just one.

1. The subject must be of great consequence. It is criminal, for a frivolous cause, to expose men to all the evils that accompany a war, even the most fortunate.

2. There must be some probability of success: for it would be criminally rash to expose one's self foolhardily to certain destruction and, to avoid a lesser evil, throw one's self into a greater.

3. If we had no gentler means at our disposal.

There are two ways of settling a dispute between nations, without recourse to arms: 1, an *amicable conference* between

the parties; 2, the intervention of a disinterested third party, or *arbitrament*. A third means, much rarer and now abandoned, is that of *casting lots*. When all the means of settling the difficulty amicably have been exhausted, there remains, before taking up arms, a final obligation, namely, to declare to the enemy the resolution of employing the last means: this is what is called a *declaration of war*.

117. Duties in times of war.—War having become a sad and unavoidable necessity between nations, and the use of force determined on, it behooves as much as possible to restrict it in its effects, and to reconcile the rights of humanity with those of justice. Hence, certain rules established by jurisconsults who have treated these matters, and notably Grotius, the founder of international law.

The fundamental principle of the right of war is the following: All that has a morally necessary connection with the purpose of the war is allowed, but nothing more. In fact, it would be wholly useless to have the right to do a thing, if, to accomplish it, one could not employ the necessary means thereto; but, on the other hand, it would not be just if, under the pretext of only defending one's rights, one should believe that everything is permitted, and should resort to the last extremities.

From this general principle are deduced the following consequences, which are only its applications:

1. It is certain that it is lawful to kill the enemy's soldiers, and, in fact, the purpose of the war being to constrain the enemy to recognize the justice of our cause, it would be vain to take up arms if one could not use them. It is then one of the cases where manslaughter may be considered innocent, and justified by the right of personal self-defense. (See above, Ch. iii., p. 50.)

2. However, the right of death upon the enemy has its limits. As a principle, it only extends to those who carry arms, and not to private individuals who do not defend themselves, arms in hand. Such can only accidentally become the

victims of the war: for instance, it is impossible in a battle to protect the inhabitants of a disputed village against the balls of either party; but we should not knowingly strike dead those who do not defend themselves.

3. Strangers should be allowed to quit a country exposed to war; and if obliged to stay, they should be no further exposed than to share its inevitable perils with the other citizens.

4. Prisoners of war should be neither killed nor reduced to slavery, but simply prevented from doing mischief.

As to the means employed to deprive an enemy of his life, humanity, with just reason, interdicts the use of certain cowardly and perfidious means; as, for instance, poisoned bullets, or too cruel means of destruction, or lastly, assassination.

Thus, it would be odious to send traitors secretly charged to kill the hostile general. There is, besides, no example of such attempts in modern wars, and the human conscience would unanimously reprove them.

Thus much concerning the rights war gives over the lives of enemies. Let us consider now the duties regarding property.

1. War gives the right to destroy the property of the enemy; it is what is called the *right of ravage*. But ravage should not be pursued for its own sake, but only to weaken the enemy. Thus we should as much as possible spare public monuments, works of art, etc.

2. It is a right of war to acquire and appropriate things belonging to the enemy until agreement as to the moneys due, including the expenses of the war.

3. It is by virtue of these principles that, in case of naval encounters, it is justifiable to take possession of the enemy's vessels, and not only of men-of-war, but of merchant-men and the goods they carry.

4. This right upon the enemy's property is only the sovereign's; he alone has a right to appropriate, in the name of the State, the property of the invaded territory, by way of

restitution or guaranty; but war does not confer upon single individuals the right of taking possession of people's property and appropriating it: this is simply pillage.

118. Conquest.—We call *right of conquest* the right which belongs to a State to bring under its sovereignty the whole or part of another State, by virtue of the right of war. Conquest, it will be seen, is but the right of the strongest. It is contrary to the principle of modern political societies, which requires that the State rest on the free contract of citizens, and that a people should only be subject to laws consented to.

It is not easy to have an official authentication of this consent; but it is certain that there are annexations that are voluntary, and others that are not. The latter, it must be hoped, will become less and less frequent as the idea of justice among nations develops.

119. Neutrality.—We call *neutrality* the situation of States which, in a case of war, side with neither the one nor the other of the belligerents, but remain at peace with the two parties. They are, therefore, obliged to practice toward them the laws of natural right impartially: if, for example, they render to one a service of humanity, they must not refuse the same service to the other. They must not furnish means of hostility to either the one or the other, or they must furnish them to both. They must lend their good offices for a settlement if they have any chance of being listened to.

These rules are very simple; but, practically, the situation of neutrals is a very delicate one, and gives rise to numerous difficulties, for the solution of which, resort must be had to the special treatises on the law of nations.

120. International treaties: their characters: their forms.—We have seen that nations have among each other, the same as individuals, obligations and rights which they derive from the natural law. But there are other obligations and other rights which are no longer based on nature, but on *special contracts* or *usages*. The international law which bears on usages is called *customary right;* that which comes from

compacts, is called *conventional right*. The compacts between States are called *treaties*.

Treaties are *equal* or *unequal*, according as they promise equal or unequal things; *personal* or *real*, according as they relate only to certain persons, and during their lives, or as they are independent of persons and last as long as the State itself; *pure* and *simple* or *conditional*; in the first case the stipulations are absolute; in the second they depend on certain conditions.

There are different species of treaties according to their different objects: treaties of *alliance*; treaties of *boundaries*; treaties of *cession*; treaties of *navigation* and *commerce*; treaties of *neutrality*; treaties of *peace*.

121. Essential conditions of public treaties.—As a principle, the rules which govern international compacts are (with the exception of a few differences) the same as those which govern private compacts. There are three fundamental conditions: 1, the consent; 2, a licit cause; 3, the capacity of the contracting parties. (See above, 92.)

The *consent* should be: 1, declared; 2, free; 3, mutual.

The licit causes are those which are physically possible or morally legitimate; the illicit causes are those which are contrary to morality, as, for example, would be the establishment of slavery.

The capacity of making a compact belongs to the sovereign of the State alone; but it is necessary that this sovereign be really invested with the power. A sovereign stripped of his sovereignty has no power to make compacts, although he might have all the most legitimate rights; and, on the other hand, a usurping power can legitimately make compacts. The reason of this is, that foreign nations are not capable to decide what with another people constitutes the legitimacy or non-legitimacy of power: there is for them, therefore, only the power *de facto*. Yet this is but the general rule. There may be cases where a foreign government may refuse to recognize a usurper's power.

122. Observance of treaties.—The obligation to observe treaties is based on the natural law. Whether compacts take place between States or individuals, it matters little. The States, in respect to each other, are like private individuals. Certain publicists, particularly Machiavelli, have maintained that the obligation to observe treaties only lasts as long as these accord with our interests. As much as to say that one should not make any compacts. Besides, Machiavelli's opinion is in such disrepute that it is almost useless to discuss it. We will content ourselves with setting against it the following beautiful thought of a great politician:

> Kings should be very careful in making treaties, but when once made, they must observe them religiously. I know very well that many politicians teach the contrary; but without stopping to consider what Christianity has to say regarding these maxims, I maintain that, since the loss of honor is greater than that of life, a great prince should rather risk his person, and even the loss of his State, than break his word, which he cannot break without losing his reputation, consequently, his greatest strength as a sovereign. (Cardinal de Richelieu, *Testament politique*, 2e partie, ch. vi.)

CHAPTER X.

FAMILY DUTIES.

SUMMARY.

The family.—Origin and history of the family.—The family originating in the necessity of the perpetuation of the species, has gradually gained in morality until it has reached the present state, namely, *monogamy*, or marriage between one man and one woman: a progress so far as the dignity of woman and the equality of the sexes are concerned.

Duties of marriage.—The duties of marriage begin before marriage: to be prudent in the choice of a partner; to prefer the moral interests to the material interests.

Mutual duties of the married couple: fidelity founded: 1, on a free promise; 2, on the very idea of marriage.

Duties peculiar to the husband: protection of the family, work, etc.

Celibacy and its duties.

Duties of parents toward children.—Of the rights of parents.—Basis and limits of the paternal authority.—Instituted in the interest of the children, it is limited by that very interest.

Parents have not, therefore, 1, the right of life and death; 2, the right to strike and maltreat; 3, the right to sell; 4, the right to corrupt.

Duties of parents.—General duty of affection without privileges or preferences.—Duty of maintenance and education.—Decrease of parental responsibility in proportion to the age of the children.—Three periods in paternal authority.

Duties of children respecting their parents and respecting each other.—Filial duty.—Fraternal duty.

Duties of masters towards their servants.

123. The family.—It is a law among all living beings to perpetuate their species. This law is among animals subject to no moral law. Yet are there certain species where between the male and female a kind of society is established; and with nearly all animals the attachment of the mother to her young,

shows itself by most striking and touching proofs. But this maternal interest does not usually last beyond the time necessary to bring up the little ones and enable them to provide for themselves. Beyond this time, the offspring separate and disperse. They live their own life; the mother knows them no longer. As to the father, he has scarcely ever known them. Such are the domestic ties among animals: and, rude as they may be, one cannot help already recognizing and admiring in them the anticipated image of the family.

The family in the human species has the same origin and the same end as in the animal species, namely, the perpetuation of the species; but in the former it is exalted and ennobled by additional sentiments: it is consecrated and sanctioned by laws of duty and right to which animals are absolutely incapable of rising.

If we consider the history of the human race, we see the family rise progressively from a certain primitive state, which is not very far from the animal promiscuity, to the condition in which we see it to-day in most civilized countries. Among savage nations, marriages have little stability and duration: they are as easily broken as formed. Female dignity and modesty are scarcely known among them: woman is more a slave than a companion, and the freedom of morals has scarcely any limits. Yet is there no society where marriages are not subject to some sacred or civil formalities, which shows that savages, ignorant as we may suppose them to be, have a presentiment of duties which, under favorable circumstances, tend to purify and elevate the relations of the sexes. Later, in other societies, marriages take a more regular form and a more fixed character; yet, admitting polygamy, more or less, as among the ancients. In short, many circumstances have presided over the legal relations of the two sexes, before, through the natural progress of morals and Christian influence, monogamy became the almost universal law of the family in civilized countries.

It has been seen, then, that as the moral sentiment became

more refined, the family, as it exists to-day, became more closely related to the State; and it will always be safer, in order to establish the legitimacy of such an institution and secure for it due respect, to depend more on sentiment than on reasoning.

Besides, the family is a natural result of the necessary relations which exist between mother, father, and child.

It is the birth of the children which is the end and *raison d'être* of the family.

This fact, let it be well noted, already determines between mother and child a relation of some duration. The child is altogether unable to live and develop alone. The mother owes it its nourishment; and nature, having herself prepared for the child in the breast of the mother the sources of its subsistence truly indicated thereby that they should be bound to each other by a positive and inevitable tie. It is true the same tie exists also among the families of the animals and their young (at least with mammalia); and we have seen that there exist among them some germs of family. But let us not forget that it takes only a little time for the young of the animal species to reach that degree of strength which enables it to leave its mother without danger. With the human species, on the contrary, it takes a considerable time. Before the first or second year the child is unable to walk; when it walks, it is still unable to walk alone, to find its food, to develop in any way. Imagine a child two, three, five years old, abandoned to himself in a desert island: he would die of hunger. Besides, instinct is much less strong in man than in animals, and much less certain; when an adult, man follows his own reason; in childhood he needs the reason of others. What shall I say of his moral education and intellectual development? The child needs a teacher as well as a nurse. We see that the relations between mother and child must naturally be prolonged far beyond those between animals. The first natural and necessary relations will finally create between these two beings habits of such a character that they

will never more separate, even when they can do without each other. At least, this separation will not take place before man is completely man; and although son and daughter may separate from the family to become in their turn heads of families, there will always exist between parents and children certain ties, certain relations, all the closer, as they each follow the laws of nature. In short, children can never be seen, as is the case in the animal species, becoming complete strangers to their father and mother.

I have first considered the tie between the mother and the child, because it is the most evident and the most necessary. But this relation is not the only one. The child, we have said, needs protection for a long time: does the mother's protection suffice? To judge from the way woman is constituted, one can see that she needs protection herself. Her weakness and her sex expose her to attacks; she is then but an insufficient protection to the feeble creature she is united to by so many ties. Therefore must the family have a protector; and who should be the natural protector of the child, if not the father? of the wife, if not the husband? The necessity of protection renders, then, man indispensable to the family. We may add to this, the necessity of subsistence. Undoubtedly the mother gives the child its first nourishment; but later on, the common means of subsistence must come from work. Now, without denying that woman is called to work the same as man, and whilst admitting that in the simple and natural state she is very much stronger than in the civilized state, it must, nevertheless, be admitted that woman, in general, is less fitted for work than man; that with more trouble, she produces less, and that a large portion of her life is necessarily taken up with her peculiar cares. Without the work of the head of the family, the common subsistence would, therefore, be imperiled.

If we now consider the education of the children, it is beyond doubt that the maternal education is insufficient. The mother represents in the family, love, solicitude, serviceableness.

In a solid education, authority should be added to these. It may be noticed that in children brought up by one of the parents only, there is in general something incomplete. Those who have had the father only, lack something in tenderness and delicacy of feeling which the graces of maternity insensibly communicate to the child; those who have had the mother only, are lacking in discipline and solidity of character: they are capricious and of a more passionate willfulness. Nature, then, appeals to the joint efforts of both father and mother in the education of the child. Let us add now that this close tie, which on one side attaches the child to the mother and on the other to the father, should also attach parents to each other, far beyond the first and transitory tie which first joined them. United in a common undertaking, namely, to support and educate the being they have brought into the world—it is impossible that they should not continue to be more and more closely united.

124. Family duties.—This is the natural history of the family. It was probably in a similar manner, with many vicissitudes, that it gradually formed and then became transformed. Let us now see how out of this association, founded by instincts, interests, and circumstances, the principle of duty makes a sacred and indissoluble institution.

There can be distinguished in the family four kinds of relations, whence spring four classes of duties:

1. The relations between the husband and wife.
2. The relations of parents to children.
3. The relations of children to parents.
4. The relations of children to each other.

Whence conjugal duty, paternal or maternal duty, filial duty, and fraternal duty.

To these four relations, there may be added a fifth: that of the head of a family to his servants.

125. Duties of marriage.—The duties of marriage begin before marriage: they begin with the mutual choice of the man and the woman. For the woman, it usually happens, at

least in our society [in France], that the choice is determined by the parents. The responsibility, then, falls upon them. Now, this choice should not be made lightly and foolishly. It should be determined by a serious and noble conception of the duties and end of marriage.

"Marriage," our Code admirably says, "is an association between man and woman, to share the pleasures and bear in common the trials of life." *

Marriage is, therefore, a compact entirely moral: it is not only a union of bodies or fortunes, it is a union of souls. Life in common and indissoluble, with all its possible accidents, is too heavy a burden to be left to chance. A man should think not only of his own happiness, but also of that of the woman whom he associates with his destiny; if he does not consider himself strong enough to fulfill toward her all the duties which such a connection imposes on him, he should not unite her to himself by indissoluble vows; if he does not think that he can love and respect her all through life, let him spare himself and her a life-long misery. We may see by this how important in conjugal union are a harmony of character, a just and mutual esteem, and an enlightened affection. To marry rashly and too hastily, and thus to risk future happiness, is already failing in a first duty. One should, therefore, not rely too implicitly upon indifferent or interested go-betweens.

It is said, indeed, that there is no way of knowing with certainty the character and sincerity of men. Many a one who in society appears amiable and estimable, is perhaps, in private life, selfish and tyrannical; women, it is said, moreover, are particularly skilled, even when young, in assuming qualities which they do not possess, and in disguising their faults; that if one were constantly scrutinizing and distrusting, marriage would be impossible; for the most sagacious are deceived

* Montaigne thus expressed himself in regard to marriage: "A good marriage is a sweet society for life, full of constancy, troubles, and an infinite number of useful and substantial services and mutual obligations."

in them, etc., etc. All this, to a certain extent, is true; and there could be nothing done without some sort of confidence; but this confidence, when it is the result of precaution and prudence, is much less often deceived than satirists would have it. Besides, if there be room for deception, even after a reasonably long intimacy, the chances are at least better than they would be if the parties were to rush headlong into a future absolutely unknown to them.

Another grave error is that of seeing in marriage nothing but a union of fortunes and names.

It is bringing what in reality is the noblest and most delicate of contracts, down to a simple commercial act. Certainly one should not propose to the inexperience of young people the union of two poverties, as an ideal: it is well known that poverty is much harder to bear when one has to share it with a wife and children, than alone. But whilst in certain classes of society marriage could scarcely be possible otherwise (workingmen having no capital to back their marriage contracts), the classes that have some competency should not make property the first consideration; character, mind, and merit should by far outweigh it.

We distinguish generally two kinds of marriages: the reason-marriages (*mariages de raison*) and the inclination marriages; and much has been said for and against both. These are questions which will never be solved, because experience shows that they are mostly dependent on circumstances. It may be said that, as a principle, the true marriage is the marriage based on inclination enlightened by reason. What experience and wisdom condemn, are the foolish inclinations —those, for example, that take no account of age, education, social surroundings, necessities of life. These sorts of passion scarcely ever stand the test of time and circumstances, and are generally followed by a painful reaction. "There is," says La Bruyère, "hardly any other reason for loving no longer, than to have loved too much." But inclination is not always unreasonable; and when it can be reconciled with the counsels

of wisdom, which is no rare thing, it is better than cold reason, and answers better to the purpose of marriage: it is a surer guaranty of its dignity and happiness.

A wise moralist, Mr. Adolphe Garnier, makes a very reasonable reply to those who pretend that inclination disappears very fast in marriage: "We reply," he says, "that inclination will at least have formed a true marriage whilst it lasted. It will leave for all the rest of life a remembrance of the first years, which shall have been purified, ennobled, sanctified by this heart-affection. This remembrance will sweeten more than one bitter moment, will prevent more than one anguish. Duty will be sustained by a remembrance of past happiness."*

The marriage once made, we have to consider, one after the other, the duties of the husband and those of the wife. There are some they have in common, and others which belong to the particular part each plays in the household.

The duty which the husband and wife have in common, is fidelity. This duty is based on the very nature of marriage, as also upon a mutual promise.

Let us begin by this latter consideration. Marriage, such as it is instituted in civilized or Christian countries, is monogamy, or marriage of one man with one woman (except in cases of decease). Such is the state one binds one's self to in entering the marriage relation: one accepts thereby the obligation of an inviolable fidelity. If then a promise is sacred in respect to material goods, how much more sacred is the promise between hearts, and this mutual gift of soul to soul, which constitutes the dignity of marriage! Conjugal fidelity is, then, a duty of honor, a veritable debt.

But fidelity is not only the obligatory result of a promise, of a given word; it is also the result of the very idea of marriage, and marriage in its turn results from the nature of things.

Marriage was instituted to save the dignity of woman. Experience, in fact, teaches us that wherever polygamy

* Ad. Garnier. *Morale sociale* I., ii., p. 104.

exists, woman is not far from being man's slave. Man, dividing his affections between several women, cannot love each one with that refinement and constancy which render her his equal. How could there exist between a master and several slaves vying for his looks and caprices, that intimacy, that mutual sharing of good and evil wherein the moral beauty of marriage consists? It is quite evident that equality between man and woman cannot exist where the latter is obliged to share with others the common good of conjugal affection.

Hence the institution of marriage which was established in the interest of the woman, and which is the protection of the weaker party. It evidently follows that, on her side, she is held to the same fidelity which she has a right to demand. Conjugal infidelity, on whichever side it occurs, is then a disguised polygamy, and, moreover, an irregular and capricious polygamy, very inferior to the legal; for this recognizes at least certain rules, and establishes with precision the condition of the several wives. But adultery destroys all regular and fixed relations between the married couple; it introduces into marriage the open or clandestine usurpation of sworn rights; it tends to re-establish the primitive and savage state, where the coming together of the sexes depended on chance and caprice.

Fidelity is for the married couple a common and reciprocal duty. Each, besides, has peculiar duties. We shall lay particular stress on those of the husband. The first of all, which carries with it all others, is *protection*.

"Man, being the head of the family, is its natural protector. He holds his authority from the laws and from usage. Moreover, it results from the very nature of things: for between two persons, even perfectly united, it is difficult, it is impossible, to meet with a constant uniformity of views, sentiments, and wishes. There must be, then, a determining voice; one of the two persons sharing in common domestic authority, must have the privilege of superior authority. Now, what are the titles to this superior authority? These titles are

strength and reason. Evidently, power in the family belongs by right to him who is strong enough to defend it and reasonable enough to exercise it.

But this authority would only be an insupportable privilege if man pretended to exercise it without doing any thing, without returning to the family in the form of security what it pays him in respect and obedience. *Work* is the first duty of man as head of the family. This is true of all classes of society, as well of those who live upon their income, as of those who live by their work. For the first have to make themselves worthy of the fortune they have received by noble occupations, or, at least, by preserving it and making it bear fruit through a wise management: and the second have, I do not say, a fortune to acquire, which is an aim rarely attained, but they have a far more pressing object before them, namely, the livelihood of those who live under their protection."*

No one has better depicted, and in a more delicate and sensible manner, the common duties of husbands and wives than Xenophon, who in this particular is a worthy pupil of Socrates, the one of all the ancient sages who best understood the duties of the family. Socrates relates in the following terms the conversation of Ischomachus and his wife,—a young married pair,—in which the husband instructs his wife in domestic duties.

"When she had become more familiar with me, and a closer connection had emboldened her to speak freely, I put to her something like the following questions: 'Tell me, my wife, dost thou begin to understand why I have chosen thee, and why thy parents have given thee to me? . . . If the gods give us children, we must consult with each other and do our best in bringing them up: for it will be a happiness for both of us to find in them the protectors and support of our old age. But from this day on, all that is in this house is ours in common; what is mine is thine, and thou hast thyself already put

* See our book, *La Famille*, 3d lecture. We take the liberty to refer the reader to this book for the development of the subject.

in common all that thou hast brought. We have but to count which has brought most; but we must well remember one thing, and that is, that it will be the one of us two who will best manage the common property that shall have brought the most valuable share of capital.'

"To this, my wife replied: 'In what can I assist thee? What am I able to do? All depends on thee. My mother told me that my task was to conduct myself well.'—'Yes, by Jupiter!' I replied, 'and my father also told me the same thing; but it is the duty of a well-behaving couple so to behave that they may be as prosperous as possible, that by honest and just means they may add new goods to those they have. The gods, forsooth, did well when they coupled man with woman for the greatest utility of mankind. The interest of the family and house demands work without and within. Now the gods, from the first, adapted the nature of woman for the cares and the works of the interior, and that of man for the cares and the works of the exterior. Cold, heat, travels, war, man is so constituted as to be able to bear all; on the other hand, the gods have given to woman the inclination and mission to nurse her offspring; it is also she who is in charge of the provisions, whilst man's care is to ward off all that could injure the household.

"'As neither is by nature perfect in all points, they necessarily need each other; and their union is all the more useful, as what the one lacks may be supplied by the other. Therefore, O wife, it behooves us, when instructed regarding the functions the gods have assigned to each of us, to endeavor to acquit ourselves the best we can of those that are incumbent on both.

"'There is, however,' I said, 'one function of thine which will please thee least, and that is, that if any one of thy slaves should sicken, thou, by the cares due to all, shouldst watch over his or her recovery.' 'By Jupiter,' said my wife, 'nothing will please me more, since, recovering by my care, they will be grateful to me and show me still more affection than

in the past.' This answer delighted me," continued Ischomachus, and I said to her: 'Thou shalt have other cares more agreeable, namely, when of an unskilled slave thou shalt make a good spinner; when of an ignorant steward or stewardess, thou shalt make a capable, devoted, intelligent servant. But the sweetest charm shall be, when, more perfect than I, thou shalt have made me thy servant; when, instead of fearing old age, lest it deprive thee of thy influence in thy household, thou shalt have gained the assurance that in growing old thou becomest for me a still better companion, for thy children a still better housekeeper, for thy household a still more honored mistress. For beauty and goodness do not depend on youth: they increase through life in the eyes of men, by means of virtues.'" *

We shall say a few words, without laying greater stress than necessary, about a question often debated, namely, that of the dissolution of marriage or divorce. We may observe, on this subject, with an excellent moralist,† whom we have already cited, that as marriage becomes purer, its dissolution will become more and more difficult. In former days, the first aspect of the conjugal relation showed the husband to be the master of the woman; he bought her and sent her again away as he would a slave—he had the right of repudiation. Later on, he could no longer send her away from him without asking the law to pronounce a divorce; but he was at first alone in claiming this right. Next, woman obtained the same right in her turn. At last divorce was suppressed, at least in some States, and particularly in our country;‡ and we think, with the moralist quoted above, that this is the true road to progress.

An English moralist§ has justly said: "If love is a passion which a trifle may start and a trifle kill, friendship is a calm affection cemented by reason and habit. It becomes stronger

* Xenophon. † A. Garnier, *Morale sociale.*

‡ The law of divorce has since been passed again in France.—[Transl.]

§ David Hume, *Essays.*

by rule, and it is never so strong as when two persons unite in the pursuit of a common interest. How many slight annoyances will they not endeavor to overlook, out of prudence, if they are obliged to live with each other, and which, with the prospect of an easy separation, would be allowed to fester even to aversion!" It is a duty for the individual conscience, even though divorce should be legally permitted, to consider marriage absolutely indissoluble, or at least make it a last resort; it is, above all, a strict duty, in contracting a marriage, not to look to divorce as a hope and end.

Some moralists have asked whether marriage was a duty. We do not hesitate to answer in the negative;* that it is not a duty in the case of women is evident, since it is their lot not to choose themselves, but to be chosen; now it does not always depend on them to find some one to choose them; and if it is not an obligation for one of the two sexes, it would be strange if it were one for the other. Besides, the right of celibacy cannot be denied to one who gives up family life to devote himself to works of charity, as in the religious orders, and if this be a sufficient reason, there are many more of the same kind which might sanction the same conduct: as, for example, devotion to science or the country. If it be objected that every one owes himself to the preservation of the race, and that if no one married the race would perish, we can reply that there will always be men ready enough to marry, so that no such consequences need be feared.

But the liberty of celibacy can be granted by the moral law on two conditions only: the first, that it be based on serious

* A great German moralist, Fichte, denies, however, people having a right to voluntarily and systematically renounce marriage: "An unmarried person," he says, "is but half a person. A fixed resolution not to marry is absolutely contrary to duty. Not to marry is, without its being one's fault, a great misfortune; but not to marry through one's fault is a great fault (*Durch seine Schuld, eine grosse Schuld*). It is not permitted to sacrifice this end to other ends, even where the service of the Church, or family or State duties, or, in fine, the repose of a contemplative life, are concerned; for there is no higher end for man than to be a complete man." There is much truth in these words of Fichte, yet may we be permitted to think that his doctrine in this respect is pushed to excess, as well as that which forbids second marriages.

reasons and not on selfishness; namely, that there be good reasons to believe that one could render more service in that state than in an imprudently contracted marriage. The second condition, that celibacy does not interfere with purity of morals—the relations between the sexes being, in fact, only proper and legitimate in marriage.

The relations between the sexes outside of marriage can only be adultery, seduction, or licentiousness. In the first case, the woman is induced to violate her duties, her vows, to give up all that alone can guarantee her dignity. In the second, the honor and dignity of a whole life is sacrificed to passion; in the third, you make yourself an accomplice to a public and deliberate shame—a shame which would not exist except for just such accomplices. At any rate, the dignity of the woman—that is to say, of the weaker sex—is sacrificed to the passion of the stronger.

126. Duties of parents toward their children. — An English philosopher said: "Such a one is the father of such a one; hence he is his master," and he claims that paternal authority was thus based on the authority of mastership.

This is a profound error. In the first place, no man can be absolutely the master of another man, unless that other be a slave: there can only exist relations of obedience or allegiance, required by social necessity, but which do not permit any man to be in absolute dependence upon another. The relation between father and child is, it is true, of a particular kind; but it is not any more than the other the authority of a master over his slave, or of a proprietor over his property.

Let us look into its origin, and we shall find, at the same time, the extent and the limits of paternal authority.

To begin with, we will observe that, although usage has consecrated the term paternal authority as meaning the authority exercised by parents over children, this authority includes the rights of both; of the mother as well as of the father: 1, in default of the father, in case of absence or death, the mother has over the child exactly the same authority as the

father; 2, it is an absolute duty with parents to see that there be not, in regard to their children, two separate authorities in the house, two kinds of contradictory orders; in the eyes of the child there should be but one and the same authority, exercised by two persons, but essentially indivisible; 3, in cases of conflict, the will of the father should prevail, unless the law interfere; but the father should use such a privilege only as a last resort, and where it can be made evident that it is in the interest of the child. Even then he should see that the obedience to one of the parents be no disobedience to the other, for that would be destroying at its root the very authority he makes use of.

Paternal authority is, then, the common authority of both parents over their children; and it is only an exception to the rule when the authority of one parent becomes detrimental to that of the other.

What is now the principle of this authority? A purely physical reason is given for it; that the child, namely, is in some respect a part of the parents. But this reason is not sufficient; for it would presuppose paternal authority to last all through life under the same conditions and same degree of force; whereas it continues ever diminishing as the child becomes able to govern himself.

The true reason for paternal or maternal authority lies in the feebleness of the child, in its physical, intellectual, and moral incapacity. The child in coming into the world is utterly incapable of doing for itself. Supposing even that it could satisfy its physical wants, experience shows that it could not give itself an education, without which it cannot be truly a man. This state of feebleness requires, then, indispensable assistance, and an assistance of long duration. It needs a hand to support and feed it, a heart to love it, an intelligence to enlighten it. To whom belongs this *rôle* of educator, protector, sustainer? "There have been some who have wished to take the child from the family to give it to the State; this is a great error; for the child should evidently belong to those

without whom he would have no existence. In the first place, it were burdening society with a thing it is not responsible for; moreover, it has no right upon the child, no particular tie existing between them; finally, it offers no sufficient guaranty, and there can be at best expected of it but a vague and general solicitude, if, indeed, the same is not a partial one, and in favor of those from whom it may derive most advantages; whilst parents should unquestionably have charge of the child, since it is through them it exists; and having charge of it, gives them a right to it: and how could they be responsible for this being they have given life to, if they could not in some measure dispose of it? There are three ties between the parents and the child: a physical bond, a heart-bond, a reason-bond: no other authority rests on more natural principles; none is more necessary, none is protected by greater guarantees." *

Not only would the State, in taking possession of the child, encumber itself with functions for the performance of which it is unfitted, but it would also violate the natural rights of the human heart. Parents are, then, invested by nature herself, with the duty of supporting and educating their children. But this duty calls for authority. How could a father and mother direct the child in the path of right and justice; how could they impart to it their wisdom and experience; how could they prepare the way for its becoming in its turn a moral agent—one, namely, that acts and governs himself of his own accord—if they are not at the same time invested with the authority that commands obedience?

Paternal authority, as we see by this, has no other origin than the actual interest of the child: the mission of the parents is to represent it; they have in some respect the government of its life. The whole authority of the father upon the child is, then, limited by the interests and the rights of the child itself. Beyond what may be useful to its physical

* *La Famille.* 4th Lecture.

and moral existence, the father can do nothing. Such are the extent and limits of his authority.

From these principles we deduce :

1. That parents have now no right of life and death upon their children as they have had under certain legislations.

2. That they have neither the right to strike them, maltreat them, wound them—in short, treat them as they would animals or things ; and although usage appears to allow certain corporeal punishments, it will always be a bad example and a bad habit to use blows as a means of education.

3. Parents have no right to traffic with the liberty of their sons, to sell them as slaves as in ancient times, or to turn them into instruments of gain, as in many families even to this day. Certainly one could not wholly forbid a father to make a child work toward the support of the family, but it must be done without losing sight of the child's strength, and without sacrificing its intellectual and moral education.

4. Parents have no right to corrupt their children, by making them accomplices in their own profligacy.

Grotius justly distinguishes three periods in paternal authority :* the first, when the children have as yet no discernment, and are not capable of acting with full knowledge ; the second, when their judgment, being already ripe, they are still members of the family and have no business of their own ; the last, when they have left their father's house, either to become heads of families themselves, or to enter into another. In the first of these conditions, the will of the parents is entirely substituted for that of the children, and their authority, within the limits above stated, is consequently absolute. In the third case, the son, having reached his majority or maturity, has conquered for himself an independent will ; paternal authority must consequently change into moral influence, which a grateful son will respect, but which is no longer, properly so called, an authority. Finally, in the intermediate state,

* *Du droit de la guerre et de la paix*, I., II. ch. v. § 2.

which is the most difficult of all, the paternal will, whilst remaining preponderant, yields more and more to the will of the children, thereby preparing it toward becoming sufficient to itself.

Let us examine the duties of the parents at these different periods of paternal authority.

There is, to begin with, a general duty, which overrules the whole life of the parents as well as of the children, and which is independent of the latter's age: it is the duty of love. Parents must love their children; it is the foundation of all the rest. It may perhaps be objected that love is a natural feeling and cannot be a duty; that the heart is not subject to the will; that one may love or not love, according as one is by nature so constituted; that duty therefore has nothing to do with it. It is also said that paternal or maternal love is so natural a sentiment that it is useless to make a duty of it.

These arguments do not appear to us decisive; and we have already answered them. We cannot, of course, create within ourselves sentiments which do not already exist. But we can cultivate or allow to die out sentiments which do exist within us naturally. The degree of sensibility in each individual depends, I admit, on his or her peculiar constitution of mind and heart; but it depends on us to reach the highest degree of sensibility we are capable of. For example, he who leaves his children or removes them from him (unless it be for their good*) may be certain that the love he bears them will insensibly die out. He, on the contrary, who takes the trouble to busy himself with his children, to win their love by intelligent and constant attentions, will necessarily feel his heart grow softer by this intercourse, and his natural feelings will gain more and more strength.

But if it is a duty to love one's children, it is also in consequence of this duty that one should love them for themselves, and not for one's self. It is not our happiness we should seek

* And that may be questioned.

in our children, but theirs; and for this reason does it sometimes become necessary to govern one's own sensibility, and deny children pleasures detrimental to their best interests. The excess of tenderness is often, as has been said, but a want of tenderness; it is a sort of delicate selfishness, shrinking from the pain the seeming suffering of the children might inflict, and not knowing how to refuse them any thing for fear of displeasing them, prepares for them in this manner cruel deceptions against the time when they will have to face the sad realities of life.

A corollary of what precedes, is that the father should love all his children equally, and guard against showing a preference. He should have no favorites among them, still less victims. He should not, from feelings of family pride, prefer the boys to the girls, or the oldest to the youngest. He should not even yield to the natural predilection which inclines us to give our preference to the most amiable, the most intelligent, the most attractively endowed. It has often been observed that mothers have a particular tenderness for the feeblest of their children, or those that have given most trouble. If preference is at all justifiable it is in this case.

After having established the general principle of the duties of the head of a family, namely, love, and an equal love, for all his children, let us consider the particular duties this general duty comprises. They bear upon two principal points: the preservation and the education of the children.

We have seen that the fact of giving life to children, carries with it as an inevitable consequence the duty of preserving it to them. The child not being able to provide its own food, the parents must furnish it: this results from the very nature of things.

Whence it follows, that a father must work to provide for his children: this is so evident and necessary a duty that there is hardly any need of dwelling on it.

But it is not only for the present that the head of the family ought to provide; he should provide for the future also. He should, on the one hand, foresee the case when, by

some possible misfortune, he may be taken from his children before they are grown; and on the other, prepare the way to their providing for themselves. The first case shows us how economy and prudence become thus a sacred duty for the head of a family. This also explains how it may be a duty in contracting a marriage not to lose sight of the question of property: not that this consideration should not give way before others more important; but other things being equal, the best marriage is that which, keeping in view the future interests of the children, provides against the case when by some misfortune they may be left orphans at an early age.

In supposing the most favorable cases, the father and mother may hope that they will live long enough to see their children becoming in their turn independent persons, able to provide for themselves. It is in view of this, that parents should plan a profession or a career for their children; in most cases, it is a necessity, it is expedient in all. But the preparation for a career presupposes education; and here the material interests and security of the children blend with their intellectual and moral interests.

Everybody recognizes in the education of children two distinct things: instruction and education properly so called: the first has for its object the mind; and the second the character. These two things must not be separated: for, without instruction, all education is powerless; and without a moral education, instruction may be dangerous.

Parents should then—and it is a strict duty—give to their children the instruction their resources and condition allow; but they are not permitted to leave them in ignorance if they have the means to educate them. Some narrow minds still believe that instruction is of no use to the people, and is even a dangerous thing. This has been sufficiently refuted. The greatest number of crimes and offenses are committed by the most ignorant classes: the more they learn, the better will they understand the duties of their condition and the dignity of human nature. It has been justly said that little knowl-

edge may be more dangerous than ignorance: for this reason should men be raised above the dangerous point, and be put in possession of as much knowledge as their condition warrants.

Instruction has two useful effects: first, it increases the resources of a man, renders him better qualified for a greater variety of things; it is then, as political economy styles it, a capital. Parents, in having their children taught, give them thereby a far more substantial and productive capital than what they could transmit to them by gift or legacy. In the second place, instruction elevates man and ennobles his nature. If it is reason that distinguishes man from the brute, knowledge enlarges and heightens reason. Instruction thus works together with moral education and forms one of its essential parts.

The head of a family who then, from personal interest, negligence, ill-will, or, in fine, from ignorance, deprives his children of the instruction which is their due, fails thereby in an essential duty.*

It must, moreover, be admitted, that instruction alone does not suffice; science alone does not form character; persuasion, authority, example, the moral action of every instant is necessary thereto. It is a great problem to know how much of fear and gentleness, restraint and liberty should enter in paternal education. All agree that a child should not be brought up through fear alone, as the animals are. As Fénélon admirably puts it, "Joy and confidence should be the natural state of mind of children; otherwise their intelligence becomes obscured, their courage droops; if they are lively, fear will irritate them; if soft, it will make them stupid; fear is like the violent remedies employed in extreme illnesses: they purge; but they injure the constitution and wear out its organs; a soul led by fear is always the feebler for it."

On the other hand, everybody admits also that an exces-

* This duty to-day is imposed by law: "Primary instruction is obligatory for children of both sexes from six to thirteen years." (Law of the 28th March, 1882, art. 4.)

sive indulgence is as dangerous as a despotic authority. Rousseau ingenuously remarks: "The best means of making your child miserable is to accustom it to obtaining all it wants; for its desires will incessantly grow with the facility with which it can satisfy them; sooner or later the inability to content it, will, despite yourself, oblige you to refuse, and this unexpected denial will give it more pain than the deprivation of the thing itself. First it will want the cane you have in your hand; then your watch; then the bird in the air; the bright star in the sky; in short, all that it sees: and unless you were a god, how could you satisfy it?" This remark of Rousseau refers to the earliest childhood, but it can be applied to all ages.

It is evident that all the duties we have here mentioned relate principally to the first of the three periods distinguished by Grotius. As the children grow up, their own personal responsibility gradually takes the place of the paternal responsibility, and there comes the time of the third state above mentioned, when both father and mother no longer owe their children any thing more than love or advice. Instead of being answerable for their existence, it is rather the reverse. It is the children's turn to become responsible for the happiness and safety of their parents.

But, as we have said, the really difficult moment is that when the young man, awakening to himself, becomes conscious of a will, and, without experience and sense of proportion, wishes to exercise this will without restraint. It is here especially that the paternal will must show itself firm without despotism, and persuasive without flattery and weakness, and where it becomes necessary that the paternal authority be firmly rooted in the first age and upon solid foundations, so that the young man, even in his fits of self-will, may submit to this authority with confidence and respect. There is no particular formula which could set forth a rule of conduct obligatory under all circumstances. Tact in this case is better than rules.

127. Duties of children.—The German philosopher Fichte, in his book on *Ethics*, has said some very good things touching the duties of children; we will cite from it some of the pages devoted to this subject.*

"The right of parents to set limits to the liberty of their children cannot be questioned. I should respect the liberty of another man, because I regard him as a being morally educated, whose liberty is the necessary means whereby he may reach the end reason points out to him. I cannot be his judge, for he is my equal. But it is not the same in the case of my child. I regard my child not as a moral creature already formed, but to be formed; and it is precisely for this reason that it is my duty to educate it. The same reason which commands me to respect the liberty of my equals, commands me to limit that of my child.

"But I am to limit this liberty only in so far as the use the child may make of it might be injurious to the very end of its education. Any other repression is contrary to duty, for it is contrary to the end in view. It is the very liberty of the child which must be instructed; and that this instruction be possible, the child must be free. Parents should not, therefore, through mere caprice, forbid children, with a view, as is said, to break their will: it is only where the will would run counter to the direct aims of their education that it should be broken. Here, however, parents must be the sole judges; and are answerable to their conscience alone." "The only duty of the child," says Fichte again, "is *obedience:* this should be developed before any other moral sentiment; for it is the root of all morality. Later on, when in the sphere left free by the parents, morality has become possible, the duty of obedience is still the greatest of all duties, the child should not wish to be free beyond the limits fixed by the parents themselves."

Fichte explains next very ingeniously, how obedience is the only way by which the child can *imitate* the morality it cannot yet know: "The same relation which binds the full-grown

* Fichte, *System der Sittenlehre*, Pt. III., ch. iii., § 29.

man to the moral law, and to its author, God, binds the child to its parents. We should do all that duty commands us to do, absolutely and without troubling ourselves about consequences; but to be able to do this, we must suppose these consequences to be in the hands of God, and intended for our good: the same with the child in regard to parental commands. Christianity represents God in the image of a father, and justly so. But we should not simply be satisfied always and incessantly to speak of his goodness; we should also think of our obligations toward him; of our obedience, and that childlike trust free from all anxiety and uneasiness which we ought to cultivate in regard to his will. To create a similar obedience is the only means by which parents may implant the sentiment of morality in the hearts of their children: it is, therefore, a real duty for parents to exercise their children in a similar obedience. It is a very false notion, which, like many others, we owe to the ruling *eudemonism** of the day, that wrong inclinations of the child can be thwarted by reasoning with it. There is implied in this notion the absurdity of supposing the child to be possessed of a greater share of reasoning power than ourselves: for even adults are most of the time prompted in their acts by inclination, and not by reason.†

"Another question presents itself now: How far, in its relation to its parents, should the child's absolute obedience go? This question may have two sides: the one as to the extent of this obedience, and the other as to its limits; *how far* it should go; or in regard to length of time, *how long* it shall last, and, if it is to cease at all, at what particular time it is to stop?

In the first case, the question may be raised either from the child's or from the parents' standpoint. On the part of the child it should never be raised. The answer is this: The

* *Doctrine of happiness.*

† Fichte is right here when he speaks of the exaggeration of this principle. But the principle itself is a true one, namely, that one should accustom children to act according to their own reason: it is the only means of teaching them liberty.

child should obey, and its obedience consists in its not wishing to have any more liberty than its parents permit it to have. Of the necessary limits of this obedience, the parents can alone judge; the child cannot. The doctrine that the child should obey in all reasonable cases, as we often hear it said, is a contradictory one. He who only obeys in reasonable cases does not obey, for he becomes himself then the judge of what is reasonable and what is not. If he does any thing suitable because he judges it to be so, he acts according to his own conviction, and not from obedience. Whether this obedience which they exact be reasonable or not, it is for the parents to answer for it before their own consciences; but they should not allow their children to sit in judgment over them. But, it may be asked, suppose the parents command their children to do an immoral thing? I answer: Either the immorality of it is only discovered after a laborious investigation, or it is obvious. In the first case, there can be no difficulty; for the obedient child does not suspect his parents capable of commanding him to do any wrong. In the second, the very basis of obedience—namely, the belief in the superior morality of the parents—is destroyed; and then a prolonged obedience would be contrary to duty. The same when the immorality or the shame of the parents is self-evident in the children's eyes. Obedience then ceases because education through the parents becomes impossible.

The second question is: How long does the duty of obedience last? The answer to this is: Obedience, in the first place, is only exacted in view of education; and education is a means to an end; that end being the utilization of the child's powers for some reasonable purpose, under whatever circumstances or through whatever mode. When that end has been attained, the child cannot judge: it is for the parents to decide. Now two cases are possible here:

One is where the father himself declares the end attained and leaves his children free to act according to their own will and judgment.

The other is where a certain result is sufficient to declare the end attained. The State is in this instance a competent outside judge. For example, if the State entrusts an office to a son, it declares the latter's education completed; the judgment of the State is the parents' judicial bond: they must submit to it without appeal: it binds them also morally, and they must submit to it from a sense of duty.

There is finally a third case: this is where parental education is no longer possible, as, for example, on the marriage of the children. The daughter then gives herself to her husband and becomes subject to his will: she can therefore no longer depend upon her parents' will. The son assumes the care of his wife, conformably to her wishes; he can therefore no longer be guided by others' wishes, not even by those of his parents.

These three cases do not yet exhaust the question; for we may suppose a fourth: the one where the children are not called to a function, by the State; when they do not marry, and when the parents are nevertheless unwilling to relax their authority, seemingly wishing to uphold the obedience of early childhood. In this case, the parents evidently overstep their rights; for it is obvious that at a given time man must belong to himself. This time has been fixed by the State; which determines when one attains to his majority. In granting to a son the free disposal of his property, the liberty to make contracts, to traffic, the right of suffrage, the right to marry, etc., the State puts an end to paternal authority as an authority armed with restraint, yet certainly not as a moral authority, for in this respect it is indelible. The son having become a person, and being in his turn invested with moral responsibility, may lay obedience aside, but he does not with this lay aside the respect, gratitude, and affection he owes his parents.

Even after the emancipation of the children, there still exists between them and their parents a moral tie.

Parents, especially if they have been, as we suppose, the educators of their children, know their inner being, their dis-

position: they have seen it develop under their eyes; they have formed it. They therefore know it better than the children themselves can know it. They consequently continue to be their best advisers. There is then left to parents a special duty, namely, that of advising their children, and on the part of the children a correlative duty, that of listening attentively to the advice of their parents, and of considering it carefully. Thus do parents retain their care and solicitude for their children, and the children the duty of respect.

These duties of respect and gratitude toward parents have been admirably expressed by the ancient writers.

Plato, after speaking of the honor which should be given to the gods, says: "Next comes the honor of living parents, to whom, as is meet, we have to pay the first and greatest and oldest of all debts, considering that all which a man has belongs to those who gave him birth and brought him up, and that he must do all that he can to minister to them: first, in his property; secondly, in his person; and thirdly, in his soul; paying the debts due to them for the care and travail which they bestowed upon him of old, in the days of his infancy, and which he is now to pay back to them when they are old and in the extremity of their need. And all his life long he ought never to utter, or to have uttered, an unbecoming word to them; for all light and winged words he will have to give an account; Nemesis, the messenger of justice, is appointed to watch over them. And we ought to yield to our parents when they are angry, and let them satisfy their feelings in word or deed, considering that, when a father thinks that he has been wronged by his son, he may be expected to be very angry." *

Xenophon, likewise, relates to us an admirable exhortation of Socrates to his oldest son Lamprocles, on filial piety. It is well known that the wife of Socrates, Xantippe, was noted for her crabbed disposition, which often sorely tried Socrates' patience. No doubt this was the case with the sons also; but, less patient than their father, they yielded sometimes to their anger. Socrates recalls Lamprocles to his duty as a son, enumerating to him all that mothers have to endure for their children:

* The Dialogues of Plato. Laws. B. Jowett's Translation, B. IV., 238.

"The woman receives and bears the burden, oppressing and endangering her life, and imparting a portion of the nutriment with which she is herself supported; and at length, after bearing it the full time, and bringing it forth with great pain, she suckles and cherishes it, though she has received no previous benefit from it, nor does the infant know by whom it is tended, nor is it able to signify what it wants, but she, conjecturing what will nourish and please it, tries to satisfy its calls, and feeds it for a long time, both night and day, submitting to the trouble, and not knowing what return she will receive for it. Nor does it satisfy the parents merely to feed their offspring, but as soon as the children appear capable of learning any thing, they teach them whatever they know that may be of use for their conduct in life; and whenever they consider another more capable of communicating than themselves, they send their sons to him at their own expense, and take care to adopt every course that their children may be as much improved as possible."

Upon this the young man said: "But, even if she has done all this, no one, assuredly, could endure her ill-humor."

"And do you reflect," returned Socrates, "how much grievous trouble you have given her by your peevishness, by voice and by action, in the day and in the night, and how much anxiety you have caused her when you were ill? . . . Or do you suppose your mother meditates evil toward you?" "No, indeed," said Lamprocles, "that I do not suppose." "Do you then say that this mother," rejoined Socrates, "who is so benevolent to you, who, when you are ill, takes care of you, to the utmost of her power, that you may recover your health, and who, besides, entreats the gods for many blessings on your head, is a harsh mother? Oh, my son, if you are wise, you will entreat the gods to pardon you if you have been wanting in respect toward your mother, lest, regarding you as an ungrateful person, they should be disinclined to do you good; and you will have regard, also, to the opinion of men, lest, observing you to be neglectful of your parents, they should all contemn you, and you should then be found destitute of friends; for if men surmise that you are ungrateful toward your parents, no one will believe that if he does you a kindness he will meet with gratitude in return."*

Although children, when of age, belong legally to themselves, there are yet two serious circumstances, where they should exhaust all the forms of respect and submission before they make a harsh use of the rights which the law grants them: these are marriage, and the choice of a profession. In the first

* Xenophon's *Memorabilia of Socrates*, translation by J. S. Watson, B. II., Chap. 2.

case, both the law and morality require the consent of the parents; and it is only as a last extremity, and after three respectful appeals to them, that proceedings may go on. Here again, although the law permits it, it may be said that, except in extreme and exceptional cases, it is always better not to proceed, but wait till some change of circumstances brings about a change in the mind of the parents. In fact, the parents' resistance in these cases is generally in the interest of the children; they wish to protect them against the impulses of their passions. They have, besides, a sort of right to interdict the admission into the family and the taking of its name to any one that might be unworthy of these favors.

The obligation not to marry without the consent of the parrents (except in extreme cases) does not carry with it the obligation of marrying against one's will in order to obey them. This would be the violation of a duty toward others; you have no right to jeopardize the happiness of a third party, that you might on your side practice the duty of obedience. To marry with repugnance is contrary to duty, for it is entering into the bonds of an unhappy union.

As to the choice of a profession, the obligation to conform to the desires and the will of the parents is less strict than in marriage; and it is obvious that the first, the stricter duty here, is to choose the profession one is best fitted for. But as there is here also, on the side of the children, much inexperience (as among the various professions there are some very difficult, even dangerous ones, where success is often very rare, and which for this reason are all the more tempting), it is clear that in such a case it is the children's duty, except where there is an irresistible proclivity, to allow themselves to be guided by a more enlightened and more prudent experience. At any rate, the strict duty is to confer with the parents, consult their superior wisdom, and delay as much as possible a final resolve. These principles once set down, it is certain that, on the other hand, one should not, to obey one's parents, follow a profession one felt no capacity for whatsoever.

There the duties toward society and toward one's self take precedence of the family duties.

128. Fraternal duties.—Socrates, who has spoken so well of the duties of husbands and wives and the duties of children, shall here again be our guide as to the duties of brothers and sisters. Two brothers, Chæsephon and Chæsecrates, did not live well together. Socrates tried to reconcile them with each other by an exhortation, of which the following gives the principal points:*

1. Brothers are better than riches; for they are things endowed with reason, whilst wealth is but a senseless thing; brothers are a protection; riches, on the contrary, need protection.

2. One had rather live with fellow-citizens than live alone; how much more would one not rather live with brothers.

3. Is not the being born of the same parents, the having been brought up together, very strong reasons to love one another? Even among brutes a certain affection springs up between those that are raised together.

4. Even though our brothers be of dispositions difficult to live with, we should make advances to bring them nearer to us.

5. It is for the youngest to make advances to the oldest.

A modern moralist, Silvio Pellico,† expresses most delicately the duties of brothers and sisters in their intercourse with each other:

"To practice properly, in one's relations with men, the divine science of charity, one must have learned it at home. What ineffable sweetness is there in the thought: 'We are the children of the same mother! . . .' If you wish to be a good brother, beware of selfishness. Let each of your brothers, each of your sisters, see that their interests are as dear to you as your own. If one of them commits a fault, be indulgent to it. Rejoice over their virtues; imitate them."

* Xenophon's Memorabilia. Translation J. S. Watson.
† *Des Devoirs de l'homme*, ch. xii.

"The familiarity of the fireside should never make you forget to be courteous toward your brothers.

"Be still more courteous toward your sisters. Their sex is endowed with a powerful attraction; it is a divine gift which they use to make the house pleasant and cheerful. You will find in your sisters the delicious charm of womanly virtues; and since nature has made them more feeble and sensitive than you, be attentive to them in their troubles, console them, and do not cause them any unnecessary pain.

"Those who contract the habit of being ill-natured and rude toward their brothers and sisters, are rude and ill-natured toward everybody else. If the home-intercourse is tender and true, man will experience in his other social relations the same need of esteem and noble affections."

129. Duties of masters toward their servants. — One of the most important functions of home administration, is the management of domestics. It comprises two things: *choice* and *direction*. It is well known how important in a household the choice of servants is; as it is they who attend to the marketing and pay the bills, so that the finances of the house are, to some extent, in their hands.* But this is but one of the lesser features of the influence of servants in a household; the most serious one is their familiar intercourse with the children; and it is there especially that it becomes necessary to make sure of their fidelity and honesty. Yet to make a careful and successful choice is of no use, if one is ignorant of the art of directing and governing, which consists in a just medium between too much lenity and too much severity. The master of the house should, of course, always have his eyes open, but he should also know that no human being learns to do things well, if he is not allowed to act with some sort of freedom.

Surveillance and *confidence* are the two principles of a wise domestic government. Without the first, one is apt to be cheated; without the second, one cheats one's self in depriving

* A European custom.—*Transl.*

the servant of the most energetic elements of human will, responsibility and honor.*

The master, again, should avoid being violent and brutal toward his servants. He should require of them all that is just, yet without pushing his requirements to the point of persecution. Many persons deprive themselves of good servants, because they cannot patiently bear with the inevitable defects inherent in human nature.

On the other hand, the servant owes his master: 1, an absolute honesty. As it is the servants who do the marketing and pay the bills, they have the funds of the family in their hands. The more one is obliged to trust them the more are they bound to restrain themselves from the slightest act of dishonesty. 2. They owe obedience and exactness in the duties pertaining to their service. 3. They should, as much as possible, attach themselves to the persons whose service they have entered; the longer they stay with them, the more will they be considered as part of the family, and the greater will be their right to the regard and affection due to age and fidelity.

130. Duties of children toward servants.—It is not only the master and mistress of the house that have duties to fulfill toward servants, but the children also. The latter are, in general, too much disposed to treat servants as instruments of their wishes and the playthings of their caprices. Although slavery is no longer allowed, some children, if let alone, would very soon re-establish it for their own benefit. To command, insult, beat, are the not uncommon modes of procedure with children that are left entirely free in their relations with inferiors. The latter, on the other hand, do not hesitate to employ force, in the absence of the masters, and pass readily from slavery to tyranny. All such conduct is reprehensible. The servant should never be allowed to strike; but he should himself not be struck or insulted. In childhood, it is for the parents to oversee the relations between their servants and

* See our work on *La Famille* (3d lecture).

children. Later it is for the children themselves, when they have reached the age of reason, to know that they must not treat servants like brutes. The same observations may be applied to workmen, in circumstances where workmen are in some respect in the service of the family.

Although servants are no longer slaves, nor even serfs, one may still, modifying its meaning, quote Seneca's admirable protestation against slavery: "They are slaves! rather say they are men! They are slaves! Not any more than thou! He whom thou callest a slave, was born of the same seed as thyself; he enjoys the same sky, breathes the same air, lives and dies the same as thou." Seneca closes this eloquent apostrophe with a maxim recalling the Gospel: "Live with thy inferiors, as thou wouldst thy superior should live with thee."

As to the duties of servants to their masters, they belong to the class of professional duties which we shall take up further on (Chap. XIII.).

CHAPTER XI.

DUTIES TOWARD ONE'S SELF—DUTIES RELATIVE TO THE BODY.

SUMMARY.

Have we duties toward ourselves?—The person of a man should not only be sacred to others, it also should be so to himself.

Even though man ceased to be in any relation with other men (as, for example, in a desert island), he would still have duties to perform.

The duty of self-preservation.—Suicide.—Arguments of Rousseau for and against suicide.

The different standpoints from which one may condemn suicide: 1, either as contrary to the duties toward men; 2, or to the duties toward God; 3, or, lastly, to the duties toward ourselves.

Kant's fundamental argument against suicide:

"Man cannot abdicate his personality as long as he has duties to perform, which is the same as to say, as long as he lives."

Case of conscience.—Not to confound suicide with self-sacrifice.

Of voluntary mutilations and of the duty to avoid injuring one's health. That this duty should be understood in a wide sense, and not as an encouragement to constant preoccupation about the condition of one's body.

Of cleanliness.

Other duties concerning the body.—Temperance.—Temperance recommended for two reasons: 1, as necessary to health, and consequently as a corollary to the duty of self-preservation; 2, as necessary to human dignity, which, through intemperance, falls below the brute.

Of the moderate use of sensual pleasures. That we should elevate them by attaching to them ideas and sentiments.

Other virtues: Decency, modesty, propriety, etc.

131. Have we duties toward ourselves?—This has been

disputed, and it seems rather strange that it should have been. No one, say the jurists, binds himself to himself; no one does himself injustice, they say again. In short, man belongs to himself: is not that the first of ownerships, and the basis of all the others?

"No," replies Victor Cousin, "from man's being free and belonging to himself, it is not to be concluded that he has all power over himself. From the fact alone that he is endowed with both liberty and intelligence, I, on the contrary, conclude that he cannot, without failing in his duty, degrade his liberty any more than he can degrade his intelligence. Liberty is not only sacred to others; it is so in itself.

"This obligation imposed on the moral personality to respect itself, it is not I who established it; I cannot, therefore, destroy it. Is the respect I have for myself founded on one of those arbitrary agreements which cease to be when the two parties freely renounce it? Are the two contracting parties here I and myself? No; there is one of the parties that is not I, namely, humanity itself, the moral personality, the human essence which does not belong to me, which is not my property, which I can no more degrade or wound in myself than I can in others. There is not even any agreement here or contract.

"Finally, man would still have duties, even though he ceased to be in any relation with other men. As long as he has any intelligence and liberty left, the idea of right remains in him, and with that idea, duty. If he were all at once thrown upon a desert island, duty would still follow him there." *

Kant has likewise defended the existence of the duties of man toward himself.

"Supposing," he says, "that there were no duties of this kind, there would not be any duties then of any kind; for I can only think myself under obligations to others, so far as I am under obligations to myself. . . . . Thus do people say, when the question is to save a man or his life: I owe this to myself; I owe it to myself to cultivate such dispositions of mind as make of me a fit member of society (*Doctrine de la vertu*, trad. franç. de Barni, p. 70)."

132. Duties concerning the body.—Duty of self-preservation.—The duties toward one's self are generally divided

* *Le Vrai, le Beau et le Bien.* Lect. xxi., ch. xxii.

into two classes: duties *toward the body*, duties *toward the soul*. Kant justly criticised this distinction, and asks how can there be any obligations toward the body— that is to say, toward a mass of matter—which, apart from the soul, is nothing better than any of the rough bodies which surround us. Kant proposes to substitute for this distinction the following: duties of man toward himself as an *animal* (that is, united to animality by the corporeal functions), and the duties of man toward himself as a *moral being*.

Considered as an animal, man is united to a body, and this union of soul and body is what is called life. Hence a first duty which may be considered a fundamental duty, and the basis of all the others, namely, the duty of self-preservation. It is, in fact, obvious that the fulfillment of all our other duties rests on this prior one.

Before being a duty, self-preservation is for man an instinct, and even so energetic and so universal an instinct that there would seem to be very little need to transform it into duty: so much so is it an instinct that man has rather to combat in himself the cowardly tendency which attaches him to life, than that which induces him to seek death. Yet does it happen, and unfortunately too often, that men, crazed by despair, come to believe that they have a right to free themselves of life: this is what is called suicide. It is, therefore, very important in morals to combat this fatal idea, and to teach men that, even though life ceases to be a pleasure, there is still a moral obligation which they cannot escape.

133. Suicide.—J. J. Rousseau and Kant.—The question of suicide was treated with great ability by J. J. Rousseau in one of his most celebrated works. He put into the mouth of two personages, on the one side, the apology for, and on the other, the condemnation of suicide. We will not cite here these two pieces, the eloquence of which is somewhat declamatory, but we will give an abstract of the principal arguments presented on each side in favor of its own position.

Arguments in favor of suicide.—1. It is said that life is not our own because it was given us.—Not so, for, just because it was given us, is it our own. God has given us arms, and yet we allow them to be cut off when necessary.

2. Man, it is said, is a soldier on sentry on earth: he should not leave his post without orders.—So be it; but misfortune is precisely that order which informs me that I have nothing more to do here below.

3. Suicide, it is said again, is rebellion against Providence. —But how? it is not to escape its laws one puts an end to one's life; it is to execute them the better: in whatever place the soul may be, it will always be under God's government.

4. "If thy slave attempted to kill himself," says Socrates to Cebes in the *Phædo*, "wouldst thou not punish him for trying unjustly to deprive thee of thy property?"—Good Socrates, what sayest thou? Does one no longer belong to God when dead? Thou art quite wrong; thou shouldst have said: "If thou puttest on thy slave a garment which is in his way in the service he owes thee, wouldst thou punish him for laying this garment aside in order the better to serve thee?"

5. It is said that life is never an evil.—Yet has nature implanted in us so great a horror of death that life to certain beings must surely be an evil, since they resolve to renounce it.

6. It is said that suicide is a cowardice.—How many cowards, then, among the ancients! Arria, Eponina, Lucretia, Brutus, Cato! Certainly there is courage in suffering the evils one cannot avoid; but it were insanity to suffer voluntarily those from which one can free himself.

7. There are unquestionably duties that should attach us to life.—But he who is a burden to every one, and of no use to himself, why should he not have a right to quit a place where his complaints are importunate and his sufferings useless?

8. Why should it be allowable to get cured of the gout and not of life? If we consider the will of God, what evil is there

for us to combat, that he has not himself sent us? Are we not permitted, then, to change the nature of any thing because all that is, is as he wished it?

9. "Thou shall not kill," says the Decalogue.—But if this commandment is to be taken literally, one should kill neither criminals nor enemies.

Next comes the answer of my lord Edward, namely, J. J. Rousseau:

Arguments against suicide.—1. If life has no moral end, one can unquestionably free one's self from it when it is too painful: if it has one, it is not permitted to set it arbitrary limits.

2. The wish to die does not constitute a right to die; otherwise, a similar wish might justify all crimes.

3. Thou sayest: Life is an evil; but if thou hast the courage to bear it, thou wilt some day say: Life is a good.

4. Physical pain may in extreme cases deprive one of the use of reason and will; but moral pain should be borne bravely.

5. No man is wholly useless; he has always some duties to fulfill.

It has been justly observed, we think, that this second letter is feebler than the first, and that Rousseau displayed more talent in justifying suicide than in combating it; at any rate, the following peroration will always be considered an admirable passage to quote:

"Listen to me, thou foolish youth: thou art dear to me, I pity thy errors. If thou hast at the bottom of thy heart the least feeling of virtue left, come to me, let me teach thee to love life. Every time thou shalt be tempted to put an end to it, say to thyself: 'Let me do one more good deed before I die!' Then go and seek some poverty to relieve, some misfortune to console, some oppressed wretch to protect. If this contemplation does not stop thee to-day, it will stop thee to-morrow, or the day after, or perhaps for the rest of thy life. If it does not stop thee, go then and die; for thou art not worthy to live."

Suicide may be considered from three different standpoints,

which are all three involved and blended in the preceding discussion:

1. Suicide is a transgression of our duty toward other men (inasmuch as, however miserable, one can always render some service to others).

2. Suicide is contrary to our duties toward God (inasmuch as man abandons thereby, without being relieved of it, the post intrusted to him in this world).

3. Finally—and this is for us here the essential point—suiside is a violation of the duty of man toward himself; as, all other considerations set aside, he is bound to self-preservation as a moral personality, and has no right whatsoever upon himself.

Kant's discussion.—Kant is, of all philosophers, the one who most insisted on this latter view of the matter, and developed it with the greatest force.

"It seems absurd," he says, "that man could do himself injury." (*Volenti non fit injuria.**) Thus did the stoic regard it as a prerogative of the sage, to be able, quietly and of his own free will, to step out of this life as he would out of a room full of smoke. But this very courage, this strength of soul which enables us to brave death, revealing to us a something man prizes more than life, should have been to him [the stoic] all the greater incentive not to destroy in himself a being endowed with a faculty so great, so superior to all the most powerful of sensuous motives, and consequently not to deprive himself of life.

Man cannot abdicate his personality as long as there are duties for him, consequently as long as he lives; and there is contradiction in granting him the right of freeing himself from all obligation—that is to say, acting as freely as if he had no need of any kind of permission. To annihilate in one's own person the subject of morality, is to extirpate from the world as much as possible the existence of morality itself; it is disposing of one's self as of an instrument, for a simply arbitrary end; it is lowering humanity in one's own person.

134. Résumé of the discussion on suicide.—From the above point of view the sophisms of Saint-Preux in J. J. Rousseau are easily controverted. I can cut my arm off, you say; why can I not destroy my body?—But in destroying a

* There is no injustice done to him who consents to it.

withered or mortified arm, I nowise injure the human personality, which remains within me entire; and, on the contrary, I deliver the moral personality within me of a physical trouble which deprives it of its liberty.

I can, you say, avoid pain: no one is obliged to bear a toothache, if he can free himself from it.—Yes, unquestionably; but in finding a remedy for physical pain, instead of wronging the moral personality of man, I free it, on the contrary, of the evils which, in crushing it, tend to debase it. Besides, there are, moreover, pains from which it is not right to free one's self. For example, it is not right to leave the sick-bed of one dear to us because his pains are unbearable.

But life is full of misery, and, in certain cases, the evil is without any compensation.—The question is not whether life is agreeable or painful: it might be a question, if pleasure were the end of life; but if this end is duty, there are no circumstances, however painful, which do not leave room for the possibility of fulfilling a duty.

It is a sophism, they say, to call suicide a cowardice; for it requires a great deal of courage to take one's life.—No one denies that there is a certain amount of physical courage coupled with taking one's life; but there is a still greater courage, a moral courage, in braving pain, poverty, slavery. Suicide is therefore a relative cowardice. It matters not, moreover, whether suicide be a brave or a cowardly act; what is certain is, that man cannot destroy within himself the agent subject to the law of duty without implicitly denying this law and all there is within contained.

Finally, it will be said that the moral personality is distinct from the body, and that in destroying the body, one does not injure the personality. But we shall answer, that the only personality of which we can dispose, and of which we have the care, is that which is actually united to our physical body. It is that very personality that has duties to perform; it is that which we cannot sacrifice to a state of things absolutely unknown to us.

As to our duties toward others, there is no one that has absolutely no service to render to his fellow-men; and each of us is always able to render them the greatest of services, namely, to give them the example of virtue, courage, gentleness, and patience. Finally, in respect to God, if we look upon life as a trial, man has no right to free himself of this trial before it is ended; if we look upon it as a punishment, we have no right to cut short its duration as long as nature has not pronounced on it. Can we not, then, it is asked, change any thing in the order of things, since all is disposed by God?—Certainly we can; we can, as we see fit, modify things, but not persons.

God, it is said again, has given us life: we can, then, do with it what we like.—But life is not purely a gift, an absolute gift: it is bound up in the moral personality which is not in our power, and which is not to be considered a thing to traffic with, give away, or destroy.

To admit the legitimacy of suicide, is to admit that man belongs to himself as a *thing* belongs to its master; it is implicitly to admit the right to traffic with one's own personality and, according to Kant's energetic expression, "to treat one's self as a means and not as an end."

135. Suicide from a sense of honor.—All suicide, having for its motive the escape from pain (exception being made, of course, of suicides caused by insanity), should be condemned without qualification. But is it the same with suicides instigated by a feeling of honor, either to avoid an outrage one is threatened with, or to escape the shame of an outrage one has suffered?

We should certainly not blame too severely acts that have their source in purity and greatness of soul, and in such matters it is yet better to forgive the excess, than accustom one's mind, by too cold reasoning, to look upon dishonor with patience or complacency. After all, the love of life speaks enough for itself without its being necessary to give it too much encouragement. Nevertheless, to consider the matter

closely, it is certain that no one is responsible for acts he has not consented to; that, consequently, an act imposed on us by force, cannot inflict real dishonor; that ill-natured interpretations should have no weight with a strong mind, and that conscience is the only judge.

"We should," says St. Augustin, speaking of Lucretia's suicide, "resist the temptation of suicide when we have no crime to atone for. . . . Why should a man who has done no harm to another, do some to himself? Is he justified in killing an innocent man in his own person, to prevent the real criminal from perpetrating his design, and would he criminally cut short his own life for fear it be cut short by another?" *

With still greater reason will suicide be condemned in cases where shame, if there is any, can make reparation. Let us, for example, suppose the case of a merchant obliged to suspend payments. This suspension may be caused by overwhelming circumstances, as, for example, unforeseen physical catastrophes, or negligence, imprudence, or even dishonesty on the part of the merchant. In the first case, the merchant is obviously innocent,† and, as we have already remarked, it is an outward and not a real shame. Instead of giving way before a misfortune, he should, on the contrary, strive against it and find in himself the means to repair the damage. If, on the contrary, it is through his own fault, through dissipation, laziness, etc., that the trouble was brought about, he is all the more obliged to make honorable amends, and by his courage and energy rehabilitate himself. If, finally, the evil is still graver, if he failed through lack of honor, he owes it to himself to expiate

* St. Augustin, *Cité de Dieu*, I., xvii., trad. d'Em. Saisset.

† One will say, perhaps, that the merchant is never innocent, for he should have foreseen the risks which threatened him, and provided against them. But there is no commerce without risks. There is, then, a certain amount of risks which it is allowed and even necessary to run, or else suppress commerce altogether. For example, a merchant in times of peace certainly knows that there may suddenly arise a cause of war, and he must make provision against the eventuality; but if all his transactions were influenced by that idea, commerce in times of peace would not differ from commerce in times of war, and would consequently be null.

his fault, for in trying by suicide to escape a merited shame, he only eschews a well-deserved punishment.

Modern conscience refuses even to admire without reserve, the noblest and most generous of suicides, those, namely, occasioned by the grief over a great cause lost: I mean Cato's suicide. The capital error of this kind of suicides (laying aside the reasons already pointed out), is to think that a cause can be lost. On the one hand, there is never any reason strong enough to persuade any one that what is lost to-day, is definitively lost; and if each of those who belong to that cause should kill himself, he would only contribute his share toward the loss of that cause. Besides, even supposing a cause to be definitively and absolutely lost, the honor of humanity requires none the less that the cause be faithfully and inviolably represented to the end by its adherents: for if they do not serve thereby their own cause, they serve at least that of loyalty, fidelity, and honor, which is the highest of all. Certainly an act as impressive as was Cato's, shows how far man can carry the devotion to a creed, and such heroism elevates the soul: thus may we admire it as an individual act, but not as an example to be followed. For, although it presents itself to us under a heroic form, it is, after all, nothing but an escape from responsibility.

136. Suicide and sacrifice. — One should not confound with suicide, the voluntary death—that is to say, the death dared and even sought after for the sake of humanity, the family, country, truth. For instance, Eustache de Saint Pierre and his companions, Curtius, d'Assas, voluntarily sought or accepted death when they could have avoided it. Are these suicides? If we carried the matter as far as that, all devotion would have to be suppressed altogether. For the height of devotion is to brave death; and one would have to condemn even the man who exposes himself to a simple peril, since he has no assurance that this peril may not lead him to death. But it is evident that the suicide deserving condemnation is that which has for its source either selfishness, or fear,

or a false sense of honor. To carry the subject further would be sacrificing other more important duties, and giving to selfishness itself the appearance and prestige of virtue.

137. Mutilations and mortifications.—Care of one's health.—One of the obvious consequences of the duty of self-preservation, is to avoid voluntary mutilations. For example, those who mutilate themselves to escape military service, fail first in their duty to their country, and next in their duty to themselves. For, the body being the instrument of the soul, it is forbidden to destroy any part of it without necessity. This is partial suicide.

Must we count among the number of voluntary mutilations, the religious mortifications or macerations by which the devout manifest their piety? If it can be proved that such practices are injurious to health, it is certain that they should be condemned from a moral point of view. But if they are nothing more than self-imposed privations of pleasure, no one can disapprove of them. For man is always permitted to give up this or that pleasure. Thus abstention from animal-flesh which the school of Pythagoras taught its adepts, can not be considered contrary to the duty of self-preservation, as long as it cannot be demonstrated that this diet is unfavorable to health.

Besides, this duty not to injure one's health, must itself be understood in a large and general sense. Otherwise, taken too strictly, it would become a narrow and selfish preoccupation, unworthy of man. One should select and regularly observe such diet as, from general or personal experience, would seem most suitable to the preservation of health; but, this principle once established, precautions too minute and circumspect lower man in the estimation of others, and, if nothing more, give him a tinge of the ridiculous, which he ought to avoid. One should therefore not take as a model the Italian Cornaro, who had a pair of scales at his meals to weigh his food and drink, although this method, it is said, prolonged his life to a hundred years. The learned Kant himself, although he was very high-minded, carried the rules he had laid down for his health

to extravagant minuteness. For example, in order to spare his chest, he had made it a rule, never to breathe through his mouth when in the street, and, to faithfully observe this rule, he always walked alone, so as not to be obliged to speak. Care carried to such minute details falls into a sort of littleness very unbecoming a being destined for higher thoughts than mere physical self-preservation. One may say of such exaggerated prudence what Rousseau, though most inappropriately, said of medicine: "It prevents illness less than it inspires us with the fear of it; it does not so much ward off death as it gives us beforehand a taste of it; it wears life out instead of prolonging it; and even if it did prolong it, it would still be to the prejudice of the race, since it takes us away from society by the cares it lays upon us, and from our duties by the fear it inspires us with." *

But, if too minute attention to health is not to be recommended, one cannot be too observant, within a reasonable measure, of course, of the obligation to follow a sensible and moderate diet, which is as favorable to the mind as it is to the body. Hygiene, in this respect, forms no inconsiderable part of morals.

To avoid sitting up late; to avoid too long or too rich repasts; to make an even distribution of one's time; to get up early; to dress moderately warm: are measures recommended by prudence; this, however, does not exclude the liberty of doing away with these rules when more important ones are necessary. The principle consists in not granting the body too much, which is the best means of strengthening it.

The ancients attached a vast importance to the strength and beauty of the body; and for this reason they encouraged gymnastics; these were an essential part of their education. This taste for physical exercise seems to be reviving at the present day; it enters more and more into our public education, and its good results are already felt. Men should, as much as possible, reserve some time and leisure for such exercises; for

* Rousseau's *Emile*, I., i.

they not only impart strength, health, and skill to the body, but they accustom the soul to courage, preparing it by degrees to encounter more serious perils; the same may be said of military exercises.

138. Cleanliness.—Among the virtues belonging to the duty of self-preservation, there is one which a philosopher of the XVIII. century considered the first and the mother of all the others, namely, *cleanliness*. This is saying much; and it may be thought that Volney, in his moral catechism, exaggerated somewhat this virtue. It is, however, one of very great importance, for its opposite is especially repugnant. Cleanliness, moreover, in addition to the part it plays, as we know, in the preservation of health, is often indicative of other virtues of a higher order. Cleanliness presupposes order, a certain delicacy of habits, a certain dignity; it is really the first condition of civilization; wherever we meet with it, it announces that higher wants than those of mere animality have been or are soon to be felt; wherever it is wanting, we may be certain that civilization is only apparent, and that it has yet many deficiencies to supply.

139. Other duties in regard to the body.—Temperance.—We have just seen that man has no right to destroy his body, or mutilate it, or, in short, uselessly to reduce or enfeeble its power; in a word, he must not voluntarily injure his physical functions: for, in impairing himself as a physical being, he thereby injures his personality, which is the principle of all morality. But there are two things to be distinguished in the functions of the human body: on one side, their utility, and on the other, the pleasure which attends their healthful exercise. The same function may be exercised with more or less pleasure on the side of the senses. Hence a moral problem: What is to be granted to the pleasures of the senses?—Certainly for the proper exercise of their functions a certain sensuous agreeableness is necessary; a good appetite, for instance, is a pleasant seasoning which excites and facilitates digestion. Nevertheless, we all know that

there is not an exact and continued proportion between the pleasure of the senses and physiological necessity; we know that enjoyment may by far exceed necessity, and that health even often requires a certain limitation in enjoyment.

We know, for example, that the pleasures of the palate may be far more sought after and prolonged than is necessary for the gratification of the appetite. Man needs very little to live on; but he can continue to tickle his palate long after his hunger is satisfied. Thirst, in particular, has given rise to a multitude of refinements invented by human industry, and which are but very distantly related to the principle which has given them birth. Wine and alcoholic drinks, which, used in moderation, may be useful tonics, are stimulants demanding a constant renewal: the more they are indulged in, the more they provoke and captivate the imagination.

From this disproportion and incongruity which exist between the pleasures of the senses and the real wants of the body, arise vices, certain habits, namely, which sacrifice want to pleasure, and the consequence of which is the depravation and ruin of the natural functions. Pleasure, in fact, is, in a certain measure, the auxiliary, and in some sort, the interpreter of nature; but beyond a certain limit, it can only satiate itself at the expense of the legitimate function, and by solidarity, at the expense of all the others. Thus too much eating destroys the digestive functions; stimulating drinks burn the stomach and seriously injure the nervous system. The same, and with still graver consequences, attends upon the pleasures attached to the function of reproduction.

"Who would," says Bossuet, "dare think of other excesses which reveal themselves in a still more dangerous manner? Who, I say, would dare speak of them, or dare think of them, since they cannot be spoken of without shame nor thought of without peril, though it be but to condemn them? O God, once more, who would dare speak of this deep and shameful plague of nature, this concupiscence which binds the soul to the body with bonds so tender and so violent—bonds man can scarcely defend himself against, and which cause such frightful disorders

among the human race! Woe to the earth! woe to the earth, from whose secret passions rise continually vapors so thick and black, concealing from us both sky and light, but of which we are reminded through the lightnings and thunder-bolts they send forth against the corruption of the human race!" *

The abuse of the pleasures of the senses is in general called *intemperance*, and the proper use of these pleasures, *temperance*. Gormandizing is the abuse of the pleasures of eating; intoxication or drunkenness, the abuse of the pleasures of drinking; immodesty or lust, the abuse of the pleasures attached to the reproduction of the species. The opposites of these three vices are, to the first two, *sobriety*, to the last, *chastity*.

The duty of temperance is enforced by two considerations: 1, intemperance being, as experience shows, the ruination of health, is thereby contrary to the duty of self-preservation; 2, intemperance destroying the intellectual faculties, and making us unfit for any energetic and manly action, is contrary to the duty imposed on us to respect our moral faculties and protect against all injury within us the free personality which constitutes the essence of humanity.

Kant does not admit that the first of these considerations—that, namely, which is deduced from the interest of our health—has any validity in morals: "Vice," he says, "should not be judged from the damage it does to man, for to resist it would then be resisting it for reasons of comfort and commodity, which could never be a principle to found a duty on, but only a measure of prudence." This is true; but if we have in the foregoing pages established that self-preservation is one of man's duties, that he should not destroy his health or abridge his life, an evident corollary of this principle is to avoid intemperance, because intemperance abridges life. This consideration is then as legitimate from the standpoint of morality as from that of interest.

The ancients have spoken admirably about temperance. Socrates in particular, in Xenophon's *Memorabilia*, showed

* Bossuet, *Traité de la concupiscence*, Ch. iv.

clearly that temperance makes of man a free man, and intemperance, a brute and a slave.

"Tell me, Eutydemus, thinkest thou not that liberty is a precious and honorable thing for an individual and for a State?—It is the most precious of all.—Thinkest thou him then who allows himself to be overruled by the pleasures of the body, and thereby disabled from doing good, a free man?—Not the least.—Perhaps callest thou liberty the power to do good, and servitude the being prevented from it by obstacles.—Precisely.—The intemperate then appear to thee as slaves?—Yes, by Jupiter, and rightly so.—What thinkest thou of masters who hinder the doing good, and oblige one to do wrong.—It is, by Jupiter, the worst possible kind.—And which is the worst of servitudes?—To my mind that which subjects us to the worst masters.—Then is intemperance the worst of servitudes?—So I think."

Plato, on his side, in a charming picture brings out with force the insatiableness of sensual passions:

"See," says Socrates," "if the temperate man and the disorderly man are not like two men having each a large number of casks: the casks of the one are in good condition and full, one with wine, another with honey, a third with milk, and others with other liquors; these liquors, moreover, are rare and hard to get; they cost infinite trouble to obtain; their owner having once filled his barrels, pours henceforth nothing more into them; he has no longer any anxiety concerning them, and is perfectly at ease. The other can, it is true, procure the same liquors, but only with difficulty; his casks, moreover, being leaky and rotten, he is obliged to fill them constantly, day and night, lest he be devoured by burning pains. This picture being an image of both lives, canst thou say that that of the libertine is happier than that of the temperate man?"

A second consideration which may be added to the preceding one is, that the intemperate man, seeking pleasure, does not find it; pleasure passionately pursued changes even into pain: "Intemperance," says Montaigne, "is the pest of voluptuousness, whilst temperance is its seasoning. This view of the matter is especially that in which the epicurean moralists delight; they always, in morals, compare one pleasure with another; but it also holds good for those who place duty above pleasure, for it is likewise a duty to prefer a pure, simple,

delicate pleasure, to a violent, disorderly, or vulgar pleasure. From this standpoint, we may say with Plato, in his Philebus, that the purest pleasures are not the strongest, and even that the stronger and more ardent a pleasure may be, the nearer it approaches a change into pain. Now, all other duty set aside, one should principally seek the pleasures which are not mixed with pain, because they are the most natural and the most legitimate of all: thus is it that the pleasure we derive from a satisfied appetite is a proper pleasure, however humble it be, whilst the pleasure which carries with it satiety and disgust, indicates by that very fact, that it is against nature, or at least goes beyond nature. Virtue requires, then, that we prefer the first to the second.

140. The pleasures of the senses.—But provided one is content with moderate pleasures, is it allowed to enjoy the pleasures of the senses, or must we rather turn our mind, will, and soul, from them, and rest content with the satisfied want? Montaigne, that naive child of nature, supports the first proposition; Saint Augustine, the apostle of free grace, advocates the second. "Nature," says Montaigne, "has maternally provided that the actions she enjoins upon us for the satisfaction of our wants be also pleasurable, and she invites us thereto not only through reason, but also by the appetite: it is not right to corrupt her rules." Not only did Montaigne authorize the pleasure of the senses, but he also favored one's delighting in it:

"It should be fitly studied, enjoyed, dwelt upon, to show ourselves worthily thankful to him who dispenses it. . . . To that degree, did I myself follow this precept that in order that the pleasure of sleeping should not stupidly escape me, I found it well in former days, to have myself disturbed in my sleep, that I might catch the feeling of it. . . . Is there any gratification of the senses? I do not allow them to have it all to themselves; I associate my soul with it, not to lose itself in it, but to find itself in it. . . It estimates, thereby, how much it owes God for putting the body at its own disposal, allowing it to enjoy in order and completeness the soft and agreeable functions whereby it pleased him to compensate us by his mercy for the pains his justice inflicts on us in its turn."

St. Augustine looks at the thing from an entirely different standpoint:

"Thou hast taught me, O my God," he says, "to look upon food as upon a remedy. But when I pass from the suffering of hunger to the repose of satiety, even in this passage from the one to the other does concupiscence lay its snares for me; for this passage is a pleasure, and there is no other means to reach the end which by necessity we must reach. And although real hunger and thirst—eating and drinking be but a matter of health, yet does pleasure join itself thereto as a dangerous companion, and sometimes it even takes the lead and induces me to do from a sense of pleasure, what I only wish to do for my health. What is enough for health, is not enough for pleasure, and it is often difficult to decide whether it is the wants of the body that require to be met, or the deceiving voluptuousness of concupiscence which subjugates us. In this incertitude our miserable soul rejoices because she finds therein a defense and an excuse, and, not knowing what is sufficient for the maintenance of health, she places the interests of voluptuousness under the shadow of this pretext. Every day I endeavor to resist its temptations and invoke thy hand to save me, and I lay at thy feet my incertitudes, because, alas! my resolution is not yet strong enough."

It will be seen that the two moralists use both the same principle (namely, the will of Providence) to arrive at entirely different conclusions. According to one, pleasure was instituted by God only as a means to arrive at the satisfaction of bodily wants. It is, then, this satisfaction alone we should have in view. According to the other, God allowing necessity to be accompanied by pleasure, invites us thereby to enjoy pleasure. It seems to us that the two moralists fall here into an excess: for, according to us, we should not too much distrust pleasure nor delight in it too much: pleasure, not being an evil in itself, there is no reason why we should reproach ourselves for enjoying it: for it is as essential to the nature of our being as life itself. We may even say that pleasure is already a superior degree of existence, and it is for this reason that the animal is found to be superior to the plant. The scruples of St. Augustine in regard to pleasure are, therefore, exaggerated. On the other hand, I do not approve of Mon-

taigne's refinement either; it is not proper to bring the reflective faculties to bear upon sensual pleasures in order to enhance them: to have one's self waked up in order to take cognizance of the sweetness of sleep is an unjustifiable refinement of sensuality unless one admits pleasure to be the end of life. In one word, it is necessary here to avoid at the same time exaggerated *scruples* and *self-gratification*, as occupying the mind more than is necessary with what has but a very inferior value.*

Providence, besides, has furnished us means to enhance the pleasures of the senses by mingling with them the pleasures of the mind or heart. "Banquets," says Kant, "have, besides the physical pleasure they procure us, something that tends to a moral end, namely, to bring together a certain number of people, and to maintain among them an extended interchange of kindly feelings."

And this austere moralist does not hesitate to lay down certain rules which should preside over refined festivities. We shall be pardoned if we reproduce here some of his witty remarks on that subject. "The good cheer," he says, "which best accords with humanity, is a good repast in good company; a company which Chesterfield says should not fall below the number of the Graces, nor exceed that of the Muses. . . . On the contrary, large assemblages and festivities are altogether in bad taste. . . . To eat alone is unwholesome for a philosophic scholar: it is no restoration, it is rather exhaustion; it is a labor, and not a play revivifying thought. The man who eats alone loses gradually his cheerfulness; he recovers it, on the contrary, when the intermittent jests of a guest give him a new subject of animation which, alone, he would not have been able to discover." Kant further requires, "that the repast should end with laughter, which, if it is loud and hearty,

* We may apply here what La Bruyère said of clothes: "There is as much weakness in avoiding fashion as affecting it. A philosopher allows his tailor to dress him." In the same sense is there as much weakness in rebelling against pleasure as in seeking it too artfully. The honest man simply enjoys it without thinking of it. Between the rigorist and the sensualist, the sensible man has his place.

is a sort of compliment to nature." Then, after having given rules for table-talk, he concludes by saying: "However insignificant these laws of polite society may appear, especially when compared to morality properly so called, they are, nevertheless, a garment which becomes virtue, and which may be recommended in all seriousness. In fact, thanks to these laws, sensual pleasures are ennobled and increased by mixing with them intellectual pleasures. It is the same with those other pleasures related to the purest and noblest sentiments of the heart, and which, thanks to this alliance, may be reconciled with perfect chastity.

141. The exterior bearing.—Propriety.—Decorum.—Temperance should not be confined to the inner man; it should manifest itself outwardly through acts, words, through proper bearing and attitudes: this is what is called *decency;* the principal part of which is *modesty.*

"We must not," says Cicero, "mind the cynics and certain stoics who turn us into ridicule and reproach us for being ashamed to speak of things that have nothing shameful in themselves. As for us, let us follow nature, and abstain from all that might wound the eyes or ears. Let our bearing, gait, our looks, gestures, be always true to decency. . . There are two things to be avoided: soft and effeminate airs, and a boorish and uncouth appearance." *

The ancients justly attached great importance to the outward appearance and countenance; they regarded it as the sign of the freeman.

"There are," says Cicero, "two kinds of beauty: the one, grace; the other, dignity. Grace belongs to woman, dignity to man. We should, therefore, interdict ourselves all that could belie that dignity, either in dress, bearing, or gesture. There are movements among our wrestlers which are sometimes displeasing, and certain gestures of our comedians which are somewhat ridiculous; they would both recommend themselves to the public better by simplicity and decency. One should be neither uncouth nor over-refined; in regard to dress, the most modest is the best. Avoid, likewise, in your gait, either that excessive slowness (re-

* *Ciceron, Traité des devoirs,* I., xxxiv.

minding one of the imposing gravity of sacred pomps), or too much haste, which is a sure sign of light-headedness and thoughtlessness." *

These counsels will not appear minute to those who know that the soul is always ready to fall in with the body, and that the inner man sets himself naturally to the outer man. Disorder in manners, dress, words, bring insensibly with them disorder in thought, and the outward dignity is but the reflection of the dignity of the soul.

* Cicero, *Traité des devoirs*, ch. xxxvi.

CHAPTER XII.

DUTIES RELATING TO EXTERNAL GOODS.

SUMMARY.

The necessity of external goods.—Two sorts of duties.—1. Those relative to *use;* 2. Those relative to *acquisition.*

Use of external goods.—They are *means* and not *ends: avarice, cupidity, prodigality.*

It is not the degree of riches, it is the spirit in which we seek or possess them, which is the object of a moral rule.

Economy, a mean between prodigality and avarice.

Economy and saving are not only duties of *self-preservation,* but of *dignity.*

Maxims of Franklin.—The prodigal and the miser, according to Aristotle.

Acquisition of external things.—Universal law of work.—*Servile* and *free* work.—Nobility of work.

Work is a *pleasure,* a *necessity,* a *duty.*

142. Necessity of external goods.—External goods are as necessary to man as is his body: for it is in the first place a fundamental law of beings physically organized, that they only subsist by means of a continual exchange of their component parts, with foreign substances. Life is a circulation, a vortex: we lose and acquire; we return to nature what it gave us, and we take from it back again in exchange what we need to repair our losses. There follows from this that certain external things, especially food, are indispensable to our existence, and that it is absolutely necessary that we be in sure possession of them in order to be ourselves sure of life.

Food is not the only need of man. Shelter and clothing, without being as rigorously indispensable (especially in warm

countries), are nevertheless of great utility to maintain a certain equilibrium between the temperature of our bodies and the external temperature; for it is well known that the derangement of this equilibrium is one of the most ordinary causes of illness. Nature not having clothed man as she has the other animals, he is obliged to provide himself with clothes by his industry. As for habitations, several animals know as well as man how to construct them: for example, beavers and rabbits; and despite the indisputable superiority of his art, this is yet, as we see for man, but the development of an instinct which he shares with other creatures.

These various wants, then, which to be satisfied demand a certain number of material objects, such as food, houses, clothing, etc., carry with them others in their train: for example, the need of locomotion to procure what is wanted: hence, carriages, boats, etc.;—the need of protecting one's self against those who would take from us what we possess: hence, arms of every kind;—the need of repose and order in the house: hence, furniture of every sort;—in a higher degree again the need of pleasing the imagination: hence, works of art, pictures, statuary;—the need of information: hence, books, etc.

Finally, and independently of all these different things, there are yet two which deserve to be specially noticed, because of their particular and distinctive character. These are, first, land, which is the common and inexhaustible source of all riches, the only thing that does not perish, and which is always found again in the same quantity after as well as before the enjoyment of it; land, which is as the substance, the very basis of riches;* and the second, money (gold or silver, with their representative, paper), which is of a nature to be exchanged against all kind of merchandise, even land, and which, consequently, represents them all. These two kinds of things, land and money, the one an essential, the other a condensed image, of all wealth, are the two most

* We nowise mean to uphold here the doctrine of the *physiocrats* for whom land was the only riches; we shall merely say that it is the basis of all wealth.

natural objects of man's desires, because, with the one or the other, he can procure all the rest.

We have not to examine here how man succeeds in securing to himself the exclusive enjoyment of these several goods: we shall treat the subject of property further on, and shall explain in what, and why, it is inviolable. Let it suffice to say here that these goods being bound up with the very preservation of our existence, the desire and instinct which lead us to appropriate them, have nothing blameworthy in themselves.

External goods being necessary to life, we have to consider how we should use them when we possess them, and how acquire them when we do not possess them.

143. Duties relating to the use of external goods.—Cupidity.—Avarice.—From the very fact that man is a part of nature, it manifestly follows that he is allowed to make his profit of the goods of nature and to turn them to his use. The only question is then to know to what degree and in what spirit, he should love material goods, and what use he is to make of them, not in regard to others, but in regard to himself.

A first consideration is that material things or riches have no value in themselves; they are only worth anything as they suit our wants. Gold and silver, in particular, are only a value because they can be exchanged against useful things, and these things, again, are only good because they are useful. They are, to employ Kant's favorite formula, *means*, not *ends*. Now we precisely overthrow this order when we take material things as ends and not as means—that is to say, when we attribute to them an *absolute* instead of a *relative* value. This happens when, for example, we seek gain for gain's sake; when we accumulate riches for the sole pleasure of accumulating them—a vice we call *cupidity*.

It is, again, what happens when we enjoy wealth for itself, without wishing to turn it to use, and depriving ourselves of everything to enjoy the thing itself, which has no other value except that of buying other things; a vice we call *avarice*.

The character of these two vices (a character which is not only contrary to prudence, but also to virtue) is to transform material things into absolute ends. "Avarice," says Kant, very justly, "is not only economy misunderstood, but a servile subjection to the goods of fortune; an incapacity of exercising mastery over them. . . . It is not only opposed to generosity, but to liberality of sentiments in general—that is to say, to the principle of independence which recognizes nothing but the law, and becomes thus a fraud which man commits against himself." Cupidity does not, at first glance, appear to be of so shameful, and especially so ridiculous a character as avarice; for avarice is a contradiction to one's self (to die rather than lose that which can only serve to prevent us from dying), and viewed in that light it becomes a comical oddity. But the love of gain for gain's sake is, no less than avarice, a servile subjection to the goods of fortune. To earn money is a necessity to which we must submit (and of which we need not be ashamed, since it is nature herself that requires it), but it is not, and should not be, an end to the soul. The end of wealth (without failing in the duties we owe to ourselves) should be to make sure of the means of self-preservation, self-cultivation, education—yea, even recreation; for recreation is a thing much more refined and noble than accumulation of wealth. In one word, according to an old saying, one must possess riches and not be possessed by them.

Such is the *spirit* in which man should seek or possess riches; and it is for him a strict duty; but as to the degree and limits of possession, as to the extent or quantity of riches, morality gives us neither rules nor principles. There is no particular limit known beyond which a man in making money would become immoral. There is no restriction to his becoming a millionaire if he can. A morality that should teach to look upon the rich as culpable, would be a very false one. The contempt for riches, such as the ancient philosophers professed, is a very beautiful thing in itself; but to make good use of wealth is also very praiseworthy. Wealth, which in itself

has no value, may have a very great one from the use made of it. There is, therefore, no other rule to be observed here than the one we have already pointed out, namely, that we should not love money for itself, but acquire it or receive it as a means to be useful to ourselves and to others. Let us add, however, that even with this motive, we should not entertain too great a desire for gain ; * for to take too much pleasure in accumulating a fortune, even to make a good use of it, is again another way to become its slave.

144. Poverty.—The duty of not allowing one's self to become morally a slave to external goods, carries with it, as its corollary, the duty of bearing poverty patiently if circumstances impose it on us. I do not mean here the strength of soul with which we should bear adversity of any kind (we shall speak of that further on), but the resignation with which we should look upon the deprivation of certain things, which have no value in themselves. The poor man should, of course, endeavor to improve his condition by his work, and we are far from recommending to him a stupid insensibility which would dry up the sources of all industry ; but what we should especially guard against is this uneasy discontent and powerless desire which are also a kind of slavery. We should try to be satisfied with our lot, as ancient wisdom has it, and if it requires a certain amount of heroism to bear extreme misery, a limited share of wisdom will be sufficient to enable one to accept patiently poverty and mediocrity.

145. Prodigality.—Maintaining, as we have done, that riches have no value in themselves, except as means to satisfy our wants, do we mean thereby that they are to be spent injudiciously ?—and would not that appear to be condemning saving and economy, virtues which not only morality, but wisdom also, recommends ? Shall we, in order to avoid cupidity and avarice, run into dissipation and prodigality ?

* There is here, again, a broad duty, for how can we interdict to a merchant the desire for gain without suppressing one of the incitements to his activity and work ? All that we can recommend to him is moderation, and not to sacrifice to this incitement sentiments of a higher order.

Let us first observe that prodigality, which is the opposite of avarice, is not always the opposite of cupidity. The need of spending engenders necessarily the need of obtaining and gaining as much money as possible; and the prodigal, if he is not so in the beginning, very soon becomes covetous, through the exhaustion of his resources. "Most prodigals," says Aristotle, "become greedy and grasping, because they always wish to spend at their will. Their own resources being soon exhausted, they must needs procure others; and as they scarcely take thought about dignity and honor, they appropriate without scruple, and as they can." We should, therefore, not view prodigality as a noble independence in respect to riches. It is so in the beginning, in fact, with young rich people; but they soon find out the limits of their great fortunes, and then begins their slavery in respect to those very goods they made at first so light of.

Prudence and our own interest teach us, of course, sufficiently that prodigality is a stupid vice, and that it is absurd to sacrifice the wants of to-morrow to the pleasures of to-day. Simple common-sense advises economy and saving. But for this very reason may we ask, with Kant: "whether they deserve the name of virtues; and whether prodigality even, inasmuch as it tends to an unexpected indigence, should not be called an imprudence rather than a vice?" We shall say in reply that self-interest well understood becomes itself a duty when in opposition to passion. For instance, if, on the one side, passion lures me on to procure to myself a certain pleasure, and that, on the other, self-interest shows that this pleasure imperils my health, it is certain that *duty* in this circumstance commands me to prefer my health to a momentary pleasure.* Prudence, then, is but the exercise of a more gen-

* Kant himself recognizes that self-interest may become a duty when combated by passion. "To secure one's own happiness," he says, "is at least an indirect duty; for he who is dissatisfied with his condition may easily, in the midst of the cares and wants which besiege him, yield to the temptation of transgressing his duties. . . Therefore, even though this tendency in man to seek his happiness did not determine his will, even though health were not, for him at least, a thing to be taken

eral duty, which, if not the basis, is at least the condition of all the others: the duty of self-preservation.

Economy and saving are not only a duty of self-preservation, but also a duty of dignity: for experience teaches us that poverty and misery bring us into the dependency of others and that want leads to beggary. He who knows how to husband his means of existence, secures for himself in the future not only his livelihood, but also independence; in depriving himself of fleeting and commonplace pleasures, he buys what is far better, namely, dignity.

"Be economical," says Franklin, "and independence shall be thy shield and buckler, thy helmet and crown; then shall thy soul walk upright, nor stoop to the silken wretch because he hath riches; nor pocket an abuse because the hand which offers it wears a ring set with diamonds."

It is from this point of view that the charming and witty, though sometimes vulgar, precepts of poor Richard may be regarded as moral maxims, and should have access to all minds:

"If you would be wealthy, think of saving as well as of getting."

"A fat kitchen makes a lean will."

"What maintains one vice would bring up two children."

"Many littles make a mickle."

"Fools make feasts and wise men eat them."

"It is foolish to lay out money in a purchase of repentance."

"Silks and satins, scarlet and velvets put out the kitchen fire."

"When the well is dry, they know the worth of water."

"Pride breakfasted with Plenty, dined with Poverty, and supped with Infamy."*

account of in his calculations, there would still remain in this case, as in all others, a law, the one, namely, which commands him to work for his happiness, not from inclination, but from a sense of duty, and it is only by this that his conduct may have a real moral value.

* Franklin. *Poor Richard's Almanac.*

What Franklin has depicted with greatest force and eloquence, is the humiliation attached to debts, a sad consequence of the want of economy. There is a kind of pride which is not that of Rome and Sparta, nor of the courts and the great, but which has not the less its price.

"He that goes a borrowing, goes a sorrowing. Alas! think well what you do when you run in debt; you give to another power over your liberty. If you cannot pay at the time, you will be ashamed to see your creditor; you will be in fear when you speak to him; you will make poor, pitiful, sneaking excuses, and by degrees come to lose your veracity, and sink into base, downright lying. *For lying rides upon Debt's back.* A free-born man ought not to be afraid to see or speak to any man living. But poverty often deprives a man of all spirit and virtue. *It is hard for an empty bag to stand upright.*"

We should then avoid so to subject ourselves to material things as not to dare make use of them, which is avarice; or to spend them foolishly and thus render ourselves dependent upon men, which is prodigality. Economy lies between the two, and it is one of the virtues upon which Aristotle has most successfully established his theory of the golden mean. Kant, however, does not agree with him on this point. "For," says he, "if economy is a just medium between two extremes, then should we, in going from one vice to the opposite vice, have to pass through virtue: the latter then would be nothing more than a lesser vice." According to Kant, it is not the *measure* but the *principle* which may serve to distinguish a vice from a virtue: the one is distinguished from the other not quantitatively, but specifically. The two vices, extremes themselves, prodigality and avarice, namely, are opposed to each other, not only in degree, but in kind. What is prodigality? "It is," says Kant, "to procure means of livelihood with a view to the enjoyment only." What is avarice? "To acquire and preserve these means in view of possession only, interdicting one's self the enjoyment thereof." These two qualities, it is seen, do not only differ from each other in the more or the less, but in their very nature. There would remain next to ask, what is the quality of economy,

and that is just what Kant does not tell us. In default of it, it might be formulated thus: "to acquire and preserve the means of livelihood, not for the sake of possession or enjoyment, but for present or future need." Only there remains still the difficulty of distinguishing need from enjoyment. Where does legitimate need end? Where does barren enjoyment begin? It is here that Aristotle's formula asserts itself, and that we must finally come to recognize that the virtue of economy consists in a certain medium between prodigality and avarice.

Yet whatever it be, we cannot better close this subject than by citing Aristotle's admirable description of the prodigal and the miser: La Bruyère shows no greater acuteness and force.

"The prodigal is he who ruins himself on his own accord. The senseless squandering of his property is a sort of self-destruction, since one can only live on what one has. Prodigality is the excess of giving, and the want of receiving; but these two conditions cannot very long keep together; for it is not easy to give to every one, when one receives from no one. This vice, however, should not appear as blameworthy as that of avarice. Age, distress even, may easily enough correct the prodigal and bring him back to a just medium. Thus is the nature of the prodigal on the whole not a bad one; there is nothing vicious or low in this excessive tendency to give much and take nothing in return; it is only folly. It is true that prodigals become greedy and grasping. This is also why their gifts are not truly liberal . . . . why they enrich some people who should be left in poverty, and refuse doing anything for others far more deserving. They give with open hands to flatterers or people who procure them pleasures as unworthy as those of flattery.

"Avarice is incurable. . . . Avarice is more natural to man than prodigality; for most of us prefer keeping what we have than giving it away. . . . It consists of two principal elements: defect of giving, excess of receiving. . . . Some show more excess of receiving, some more defect of giving. Thus do all those branded by the name shabby, stingy, mean, sin through a defect of giving; yet do they not covet, nor would they take what belongs to others. . . . Other misers, on the contrary, may be known by their grasping propensities, taking all they can get: for example, all those who engage in ignoble speculations . . . usurers and all those who lend small sums at large interest. All these people take where they should not take,

and more than they ought to take. Lust for the most shameful lucre seems to be the common vice of all degraded hearts: there is no infamy they are not willing to endure, if they can make it a profit." *

146. Duties relating to the acquisition of external things. —Work.—The necessity of procuring the things needful to life imposes on us a fundamental obligation, which continues even when the want is met: it is the obligation of *work*.

Work springs from want; this is its first origin; but it survives want; and its beauty and dignity consist in that, being at first born of a natural necessity, it becomes the honor of man and the salvation of society.

In its most general sense, work means activity, and in that sense it may be said that everything works in nature; everything is in motion; everywhere we see effort, energy, unfolding of forces. Take but the animals: the bird works to build its nest; the spider to weave its web; the bee to make her honey; the beaver to construct its lodges; the dog to catch the game; the cat to catch mice. We find among animals workmen of all sorts: masons, architects, tailors, hunters, travelers; even politicians and artists, as if they had been destined to set us examples in all kinds of work and activity.

"In the morning," says Marcus Aurelius, "when thou hast trouble in getting up, say to thyself: I awake to do the work of a man: why, then, should I grieve for having to do things for which I am born, for which I was sent into the world? Was I born to remain warmly in bed under my cover?—But it is so pleasant.—Wert thou born for pleasure, then? Was it not for action, for work? Seest thou not the plants, the sparrows, the ants, the spiders, the bees, filling each their functions, and contributing according to their capacity to the harmony of the world? And shouldst thou refuse to attend thy functions as man? Shouldst thou not follow the biddings of nature?" †

The ancients distinguished two kinds of work: noble and independent work, namely, the arts, the sciences, war and politics; and servile or mercenary work imposed by necessity. The latter they deemed below the dignity of man; manual

* Aristotle, Nichomachean Ethics, iv., i.
† Meditations of Marcus Aurelius Antoninus, v., i.

labor, properly so called, useful work, distinct from gymnastics and military exercises, they considered as belonging exclusively to slaves. It is to this Aristotle referred when he said:

"There are men who have but just the necessary amount of reason to understand the reason of others: it is they whose only work is useful manual labor. It is obvious that such men cannot belong to themselves; they belong necessarily to others; they are slaves by nature."

Aristotle believed, moreover, that nature herself had made the distinction between the freeman and the slave:

"Nature," he said, "made the bodies of the freemen different from those of the slaves; she gave to the latter the necessary vigor for the heavy work of society, and made the former unable to bend their erect natures to such rude labors." *

It is not necessary to have lived to this present time to find these errors refuted. Before Aristotle, Socrates had already understood the dignity of labor, even of the productive labor insuring a livelihood; he had seen that work in itself was not servile, as the following charming account related by Xenophon, well proves:

"Socrates, observing, on one occasion, Aristarchus looking gloomily, 'You seem,' said he, 'Aristarchus, to be taking something to heart; but you ought to impart the cause of your uneasiness to your friends; for, perhaps, we may by some means lighten it.'

"'I am indeed, Socrates,' replied Aristarchus, 'in great perplexity; for since the city has been disturbed, and many of our people have fled to the Piræus, my surviving sisters and nieces and cousins have gathered about me in such numbers, that there are now in my house fourteen free-born persons. At the same time, we receive no profit from our lands, for the enemy are in possession of them; nor any rent from our houses, for but few inhabitants are left in the city; no one will buy our furniture, nor is it possible to borrow money from any quarter; a person, indeed, as it seems to me, would

* Aristotle, Politics, i., ii.

sooner find money by seeking it on the road, than get it by borrowing. It is a grievous thing to me, therefore, to leave my relations to perish; and it is impossible for me to support such a number under such circumstances.' Socrates, on hearing this, replied: 'Are you not aware that Cyrebus, by making bread, maintains his whole household and lives luxuriously; that Demea supports himself by making cloaks, Menon by making woolen cloaks, and that most of the Megarians live by making mantles?' 'Certainly they do,' said Aristarchus; 'for they purchase barbarian slaves and keep them, in order to force them to do what they please; but I have with me free-born persons and relatives.' 'Then,' added Socrates, 'because they are free and related to you, do you think that they ought to do nothing else but eat and sleep? Do you find that idleness and carelessness are serviceable to mankind, either for learning what it becomes them to know, or for remembering what they have learned, or for maintaining the health and strength of their bodies, and that industry and diligence are of no service at all? And as to the arts which you say they know, did they learn them as being useless to maintain life, and with the intention of never practicing any of them, or, on the contrary, with a view to occupy themselves about them, and to reap profit from them? In which condition will men be more temperate, living in idleness or attending to useful employments? In which condition will they be more honest, if they work, or if they sit in idleness meditating how to procure necessaries?' 'By the gods,' exclaimed Aristarchus, 'you seem to me to give such excellent advice, Socrates, that though hitherto I did not like to borrow money, knowing that, when I had spent what I got, I should have no means of repaying it, I now think that I can endure to do so, in order to gain the necessary means for commencing work.'

"The necessary means were accordingly provided; wool was bought; and the women took their dinners as they continued at work, and supped when they had finished their tasks; they became cheerful instead of gloomy in countenance, and,

instead of regarding each other with dislike, met the looks of one another with pleasure; they loved Aristarchus as their protector, and he loved them as being of use to him. At last he came to Socrates, and told him with delight of the state of things in the house; adding that, 'the women complained of him as being the only person in the house that ate the bread of idleness.' 'And do you not tell them,' said Socrates, 'the fable of the dog? For they say that when beasts had the faculty of speech, the sheep said to her master: "You act strangely, in granting nothing to us who supply you with wool, and lambs, and cheese, except what we get from the ground; while to the dog, who brings you no such profits, you give a share of the food which you take yourself."

"The dog hearing these remarks, said, 'And not indeed without reason: for I am he that protects even yourselves, so that you are neither stolen by men, nor carried off by wolves; while, if I were not to guard you, you would be unable even to feed, for fear lest you should be destroyed.' In consequence it is said that the sheep agreed that the dog should have superior honor. You, accordingly, tell your relations that you are, in the place of the dog, their guardian and protector, and that, by your means, they work and live in security and pleasure, without suffering injury from any one.'" *

If it is unjust to regard manual and productive work as servile, it is equally unjust to regard them as alone entitled to the name of work.

"There are," says a Chinese sage, "two kinds of work: some people work with their minds; some with their hands. Those who work with their minds govern men; those who work with their hands are governed by men. Those who are governed by men feed men; those who govern men are fed by men." †

The same author shows further how divers functions are necessarily divided in society.

* Xenophon's Memorabilia of Socrates, Bohn's translation, by Rev. J. S. Watson, M.A., II., vii.

† Confucius and Mencius, Pauthier's translation, p. 303.

"The holy man said to his brother: Go and comfort men; call them to thee; bring them back to virtue; correct them, help them; make them prosper. In thus busying themselves with the welfare of the people, could these holy men find leisure to engage in agriculture?"

We must, therefore, admit that all activity usefully employed is work, and that all work, whether manual or intellectual, mercenary * or gratuitous, is noble and legitimate.

Work being taken in its most general sense, may be set down as being a *pleasure*, a *necessity*, a *duty*.

Kant, who, as we have seen, refuses to admit in morals any other principle but that of duty, would probably disagree with us when we say that work is a pleasure and a necessity. But if it be true, why should we not say so? Is it necessary, in order that the duty of work be truly accomplished, that it be both painful and useless? Wisdom nowise requires this. Providence having attached to work, whilst making it the necessary condition of our self-preservation, a certain pleasure, lightening thereby our efforts, morality nowise forbids us to enjoy this pleasure and accept this necessity.

It will be easily granted that work is a necessity; but it is more difficult to obtain from men the admission that it is a pleasure. Man, if he will not die of hunger, must work, unquestionably, they will say; but that it is a pleasure is quite another thing.

If the pleasure of work is put to question, no one at least will maintain that it is a pleasure not to work. For when does rest, leisure, recreation give us most pleasure? Everybody knows, it is when we have worked. Recall to mind any unusually heavy work, any hurried and necessary task, or even our daily or weekly duty scrupulously fulfilled: what joy is it not when the task is done to give ourselves a holiday!

Idleness brings with it satiety, weariness, disgust, disorder,

* The word mercenary has always had an unfavorable meaning attached to it, a relic of ancient prejudice. In the proper sense, mercenary means remunerative, and should have no condemnatory signification. Yet already in antiquity the word *mercenary* had a higher sense than the word *servile*; for Cicero, wishing to say that one should treat one's slaves well, said that they should be treated as mercenaries – that is to say, as men remunerated but free.

the ruin of the family, the destruction of health, and other evils still more baleful. Work, on the contrary, makes repose enjoyable. Without the fatigue of the day's work, no pleasure in sleep, and even no sleep at all. A manifest proof that Providence did not intend us for repose, but for action, for effort, for struggle, for energetic and constant work.

We should even go so far as to say that work is not only a stimulant, but that it is in itself a pleasure and a joy.

There is, in the first place, the joy of self-love. We all experience joy when we have accomplished something; when we have succeeded in a difficult work, and the more difficult it was, the prouder we are of it. Besides, the exercise which accompanies activity is in itself a great good. The unfolding of strength, physical or moral, is the source of the truest pleasures. Activity is life itself: to live, is to act. Work, again, gives us the pleasure which accompanies any kind of struggle: in working we struggle against the forces of nature, we subdue them, discipline them, we teach them to obey us. Unquestionably the first efforts are painful: but when once the first difficulties are overcome, work is so little a fatigue that it becomes a pleasant necessity. One is even obliged to make an effort to take rest. Yes, after having in childhood had trouble to get accustomed to work, what in the long run becomes the most difficult, is not to work. One is almost obliged to fight against himself, to force himself to recreation and rest. Leisure in its turn becomes a duty to which we almost submit against our will, and only because reason bids us to submit to it; for we know that we must not abuse the strength Providence has entrusted to us.

It is not necessary to dwell long on this point to fix in our memory that work alone insures security and comfort. Certainly it does not always secure them; this is unfortunately too true; but if we are not quite sure that by working we can provide for wife and children, and secure a legitimate rest for our old age, we may, on the other hand, be quite sure that without work we shall bring upon ourselves and our

family certain misery. There have not yet been found any means whereby wealth may be struck out of the earth without work. This wealth which dazzles our eyes; these palaces, carriages, splendid dresses, this furniture, luxury, all these riches and others more substantial: machinery, iron-works, land produce, all this is accumulated work. Between the condition of savages that wander about famished in the forests of America, and the condition of our civilized societies, there is no other difference but work. Suppose (a thing impossible) that in a society like this our own, all work should all at once be stopped: distress and hunger would be the immediate and inevitable consequence. Spain, on discovering the gold mines of America, thought herself enriched forever; she ceased work; it was her ruin; for from being Europe's sovereign mistress, as she then was, she fell to the rank we see her occupy to-day. Laziness brings with it misery; misery beggary, and beggary is not always satisfied with asking merely —it steals.

Work is not only a pleasure or a necessity, it is also a duty; though painful and joyless, work is, nevertheless, an obligation for man; it were still an obligation for him if he could live without it. Work does not only insure security: it secures dignity. Man was created to exercise the faculties of his mind and body. He was created to act. I do not speak here of what he owes to others, but of what he owes to himself. "The happy man," says Aristotle, "is not the man asleep, but the man awake," and to be awake is to work and act.

CHAPTER XIII.

DUTIES RELATING TO THE INTELLECT.

SUMMARY.

Duties relative to the investigation of truth.—Of intellectual virtues: that there are such.

Of the three forms of the intellect: *speculative*, *critical*, *practical*. Hence, three principal qualities: *knowledge*, *judgment* or *good sense*, *prudence*.

Of *knowledge*.—Refutation of the objections to knowledge: Nicole, Malebranche and Rousseau.

General duty to cultivate one's intellect: the impossibility of determining the full range of this duty.

Good sense or judgment.—Errors committed in ordinary life: sophisms of self-love, interest, and passion.—Other sophisms founded on false appearances.—Logical rules.

Of prudence or practical wisdom.—Can it be called a virtue? Particular rules.

Duties relative to telling the truth.—Lying.—Two kinds of lies: inward and outward lying.

Inward lying.—Can one lie to himself? Examples.

Of the lie properly so-called.—How and why it lowers the mind.

Of silence.—To distinguish between *dissimulation* and *discretion*.

Duty of silence: in what cases?

Of the oath and of perjury.—Perjury is a double lie.

The different duties of man toward himself, considered as a moral being, are naturally deduced from the divers faculties of which this moral being is composed. Plato is the first, to our knowledge, who has employed this mode of deduction.* It is after having distinguished three parts or three faculties in

* Plato, Republic, i., ii.

the soul, that he attributes to each of them a virtue proper, "virtue being," he says, "the quality by means of which one does a thing well." It is thus that the virtue of wisdom corresponds to the faculty of the understanding; the virtue of courage to the irascible or courageous faculty, or to the heart; temperance, to that of desire or appetite. To these three virtues, Plato adds another which is but the harmony, the accord, the equilibrium between these, namely, justice. Cicero afterwards took up this deduction from another standpoint.*

In applying this ancient method to the present divisions of psychology, we shall admit, with Plato and Cicero, an order of virtues relative to the mind, and which we will call *wisdom;* and another class of virtues relating to the will, and which would correspond with *courage* or *strength* of *mind* (*virtus, magnitudo animi*). As to sensibility, if we take into consideration the appetites and physical desires, the virtue relating to them is *temperance*, of which we have already spoken. There remain the emotions, the affections of the heart which relate more particularly to the duties toward others. Yet they may, in a certain respect, be also considered as duties toward one's self, although language does not designate this kind of virtue by a particular name.†

147. Duties relative to the investigation of truth.—*Intellectual virtues.*—There are two classes of virtues which have been often distinguished: the *strict* duties and the *broad* duties: the strict duties to consist in not injuring one's faculties; the broad, to develop and perfect them; it is not easy to apply this distinction here; and, concerning intelligence, to separate self-preservation from self-improvement. In such a case, not to gain is inevitably to lose; he who does not cultivate his intellect, impairs it by that very fact.

* See his *De Officiis*, i., iv.

† It might be called *sensibility*, in the sense this word had in the XVIII. century. It is not enough to be human toward others, one owes some feeling to one's self also.

One could not then, without pedantic investigation and subtlety, try to distinguish here, in one and the same duty, two distinct duties: the one prohibitive, the other imperative. They are both bound up in the general duty to cultivate one's intellect. It is not so with the relations existing between one's own intellect and the intellect of others; the expression of a thought gives rise to a strict duty: not to lie; which is the immediate consequence of the duty of the intellect toward itself, and which consequently should, by way of corollary, also belong to the present chapter.

The first question which presents itself to us is to know whether we should admit, with Aristotle, *intellectual* virtues, properly so called, distinct from the *moral* virtues, the first having regard to the intellect, the second to the passions. It would seem that the various faculties pointed out by Aristotle under the name of intellectual virtues, are rather qualities of the mind than virtues: art, science, prudence, wisdom, intelligence* (not to mention the difficulty of determining the various shades of meaning of these terms), are natural or acquired aptitudes, but which do not appear to have any moral merit: a scholar, an artist, a clever man, a man of good sense and good counsel are naturally distinguished from virtuous men. It would seem then that the intellectual virtues are opposed to the moral virtues, as the mind is to the heart: now, for every one, it is the heart rather than the mind that is the seat of virtue.

These difficulties are only apparent, and Aristotle himself gives us the means of solving them:

"In order to be truly virtuous," he says, "one should always act in a certain moral spirit: I mean that the choice of an action should be a free one, determined only by the nature of the acts one accomplishes. Now it is virtue that renders this choice laudable and good." †

It is not the natural faculties of the mind then, no more than those of the heart and body, that deserve the name of

* Nicomachean Ethics, VI., ii. † Ibid., VI., xii.

virtues. It is those same faculties, developed and cultivated by the will: on this condition alone do they deserve esteem and respect. The intellect is in itself of a higher order than the senses, the appetites, the passions: it is therefore incumbent upon us to give it the largest share in our personal development. "It is to that we are allied," says Pascal, "not to space and time. Let our efforts then tend to think well; this is the principle of morality." The intellect presents two particular forms: it is either *contemplative* or *active*, *theoretical* or *practical*. The virtue of the contemplative intellect is *knowledge;* that of the practical intellect *prudence*. Finally a third virtue might be admitted: *judgment* or *common sense*, which is a *critical*,* not a practical faculty, and which partakes at the same time of both sides of the understanding.

These subtle distinctions of Aristotle have not lost their correctness and application with time. One can, in fact, employ his mind in three ways: either contemplate absolute truth by the means of science;—or judge of events and men and foresee future things without contributing toward their occurrence;—or again deliberate as to what is to be done or not to be done to bring about actions useful to one's self and to others. Hence three kinds of men: the *wise*, the *intelligent*, the *prudent*.

Knowledge.—Taking up again, one after the other, these three qualities, we ought to ask ourselves whether knowledge is a duty for man; if he is held to develop his mind in a theoretical manner and without any practical end. But before we examine whether it is a duty, let us first find out whether it is lawful.

The scientific and speculative culture of the mind on the part of man, has often been regarded as a proud or conceited refinement.

This opinion was expressed by some writers of the seventeenth century—for instance, by Nicole, in the preface to the *Logique de Port Royal:*

* Nicomachean Ethics, VI., ii.

"These sciences," he says, "have not only back-corners and secret recesses of very little use, but they are all useless when viewed in themselves and for themselves. Men were not born to spend their time measuring lines, examining the relations of angles, studying the divers movements of matter: their mind is too vast, their life too short, their time too precious, to occupy themselves with such small matters."

Malebranche expresses himself in about the same terms:

"Men were not born to become astronomers or chemists, to spend their whole life hanging on a telescope or fastened to a furnace, for no better purpose than to draw afterwards from their laborious observations useless consequences. Granting some astronomer was the first in discovering lands, seas, and mountains in the moon; that he was the first to perceive spots moving upon the sun, and that he has calculated their movements exactly. Granting some chemists to have finally discovered the secret of fixing mercury or to make that alkahest by means of which Van Helmont boasted he could dissolve all matter: were they the wiser and happier for it?"

In expressing themselves so disdainfully concerning the sciences, Nicole and Malebranche meant, in fact, only that one should not prefer speculative knowledge to the science of man or to the science of God; and it is most true that if we view the sciences from a standpoint of dignity, we must admit that the moral sciences have greater excellence than the physical sciences. But that which is equally true is, that we must not measure the merit of the sciences by their material or even moral or logical utility. Science is in itself, and without regard to any other end but itself, worthy to be loved and studied. Intelligence, in fact, was given to man that he might know the truth of things; investigation is its natural food. Man, in raising himself to science, increases thereby the excellence of his nature; he becomes a creature of a higher order; for in the order of divine creatures, the most perfect are at the same time those who know the most, and the highest degree of happiness promised to religious faith, is to know truth face to face. It is therefore no frivolous amusement to increase here below the sum of knowledge we are capable of, though this knowledge be only that of the things

of this world, and not yet the higher and direct knowledge of God.

Without admitting that science is of itself a legitimate object of research, it will be recognized that it is lawful to study it, either in our own interest or for the love of others, or for the love of God. But this is not enough: to see in science nothing but a means to be useful to ourselves (as, for example, to make a living),* is a servile and mercenary view, which does not deserve to be discussed. To maintain that science should only be cultivated because of its utility to others, is the same as to say that man has no duties toward himself, and that he is not obliged, letting alone the interest of others, to respect or perfect his own self: a thing we have already refuted. Finally, to say that science should be cultivated as a gift from God, and for the love of God, may be true; but this is not any more applicable to that occupation than to any other; and the same may be said of any other kind of duty without exception. Certainly, science should not make one proud; but pride is only an adventitious and not a necessary consequence, which, in speaking of cultivating science, should not be confounded with the fact itself.

Besides, when Malebranche says that the scientist is not any happier or wiser for his science, he is mistaken: for the greatest happiness is sometimes derived from science alone; and as to the wisdom of it, a taste for elevated thought is already a guarantee against the allurements of the passions; finally, whilst we cultivate science, we are safe from other less innocent inclinations.

To the opinions of Nicole and Malebranche, let us oppose the testimony of two men who possessed in the highest degree the respect and love of science:

"It is unworthy of man," says Aristotle, "not to possess himself of all the science he can. If the poets are right, when they say that the Divinity is capable of jealousy, this jealousy would especially manifest

* We do not mean by this that science cannot be a means of livelihood: nothing more legitimate, on the contrary. We only mean that it is not that alone.

itself in regard to philosophy, and then, all those who indulged in elevated thought would be unhappy. But it is not possible for the Divinity to be jealous, and the poets, as the proverb says, do not always tell the truth.

Let us now hear Descartes:

"Although in judging myself I find that I am more disposed to incline toward the side of distrust than presumption, and that regarding with a philosopher's eye the diverse actions and enterprises of men, there be scarcely any that do not seem to me vain and useless, yet does the progress which I think I have already made in the search for truth give me extreme satisfaction, and inspire me with such hopes for the future that if, among the more material occupations of men, there are any substantially good and important, I dare believe that it is the one I have chosen." *

If, from a standpoint of somewhat mystical piety, some minds of the seventeenth century regarded the sciences as useless, a paradoxical stoicism accused them in the eighteenth to be a cause of corruption and decay in society. Such is J. J. Rousseau's celebrated thesis in his first speech at the Academy of Dijon.

This celebrated paradox, which has created so much excitement in the past century, and which is even an historical event (for it was the first attack against the society of the time), has since been so decried that it is useless to dwell on it. Let us make a brief *résumé* of J. J. Rousseau's arguments:

1. Progress in letters and sciences serves for nothing else but to conceal the vices and put hypocrisy in the place of an ill-bred rusticity.

2. All great nations ceased to be invincible as soon as the sciences penetrated among them. Egypt, after the conquest of Cambyses; Greece, after Pericles; Rome, after Augustus. If, on the contrary, we look for examples of healthy, honest, vigorous nations, we find them among the ancient Persians, Scythians, Spartans, the first Romans, the Swiss.

* See also the admirable passage of Augustin Thierry in the preface to *Dix ans d'étude*.

3. The sciences and arts are born of and nourish idleness. Their least mischief is uselessness.*

4. The letters and arts engender luxury, and luxury is one of the powerful instruments of corruption in morals: it destroys courage, lowers the character, and, by another consequence, depraves and corrupts the taste even.

5. Another consequence: the culture of the mind engenders sophisms, false systems, and dangerous doubts about religion and morality.

These various arguments, taking them up one after the other, may be answered as follows:

1. It is nowise proved that in the age of ignorance vices were less numerous and less deeply rooted than in the more enlightened age. Decency is a good in itself, and is not always hypocrisy. Delicacy of mind robs at least vice of its grossest features; it diminishes and allays violence, which is a great source of crimes.

2. It is not true that military virtues (which, besides, are not the only admirable virtues) are destroyed by the culture of the mind: modern examples prove this sufficiently.

3. To say that the letters and sciences are born of and nourish idleness is an abuse of words. Wherein is the man who works mentally more idle than he who works with his hands?

4. The sciences and letters do not develop a taste for luxury: luxury would develop without them, and would be all the more frivolous and corrupting: they are concomitant, but not mutually related facts. Luxury, besides, is not abso-

* "Answer me, ye illustrious philosophers, ye through whom we know what are the causes which attract bodies to a vacuum; what are in the revolutions of the planets, the relations of the spaces they travel over at equal periods . . . . how man sees everything in God; how the soul and the body correspond to each other without inter-communication, like two clocks . . . . Even though you had not taught us any of these things, should we be less numerous, less flourishing, more depraved?" This passage recalls vividly that of Malebranche quoted above. What, however, is most curious about it is that Rousseau in his criticism appropriates Malebranche's hypothesis.

lutely bad in itself: the taste for elegance is a legitimate one. Is not nature herself adorned?

5. Science develops wrong opinions, false systems: so be it; but it also corrects them, and we should look at both sides of a thing and see its good parts as well as its bad. Otherwise it would be easy to prove that everything is wrong.

Rousseau's paradox, however, is not altogether false, and there are, unquestionably, many evils mixed up with the culture of the mind, but these evils do not come from the mind's being cultivated, but from its being badly cultivated; they do not come from people's seeking the true and the beautiful, but, on the contrary, from their not seeking them enough. The vanity derived from false science should not be imputed to true science, but to ignorance. The moral enfeeblement, which is the result of an over-refined culture of the mind, comes from our not sufficiently cultivating the mind in every direction; for example, from our neglecting the moral sciences for the industrial sciences, or the nobler arts for the voluptuous arts. The remedy for the evils pointed out by Rousseau is, therefore, not ignorance, but, on the contrary, a greater abundance of light, and higher lights.

It is then for each of us a duty to instruct himself, but it is evident that this duty must be regarded as a broad duty—that is to say, that its application cannot be determined by precise formulas. No man is obliged by the moral law to be what is called a scholar; no one is obliged to learn astronomy or transcendental mathematics, still less metaphysics. But it can be said that it is a duty for each of us: 1. To learn as well as possible the principles of the art he will have to cultivate: for instance, the magistrate the principles of jurisprudence; the physician the principles of medicine; the artisan the principles of mechanics. In this respect young students, we must confess, have far too easy a conscience. They do not realize the responsibility they incur by their negligence and laziness. 2. It is a duty for all men, according to the means they can dispose of, to instruct themselves concerning

their duties. 3. It is also a duty for each to go, as far as he can, beyond the strictly necessary in matters of education, and in proportion to the means he has at his disposal. It is then a duty to neglect no occasion of improving one's self.

149. Good sense.—Between science and prudence, between *theoretical* intelligence and *practical* intelligence, Aristotle places the *critical* faculty—in other terms, judgment, good sense, discernment. This faculty is distinguished from science in that it is only applied to things where doubt and deliberation come in; it treats then of the same objects as prudence; but it is distinguished from the latter in that prudence is practical and prescribes what should be done or not be done; good sense, on the contrary, is purely critical: it is limited to mere judging. It is, then, in some respects disinterested and does not induce to action; it is the art of appreciating things, men, and events. Good judgment may be found among men lacking practical prudence: one sees often very well the faults of others without seeing one's own; or, again, one may be aware of one's own faults and not be able to correct them. However, it is not to be denied that good sense or good judgment is a useful auxiliary to prudence; it is already in itself an estimable quality, and is far from being as well distributed among men as Descartes claims.* On the contrary, according to Nicole:

"Common sense is not so common a quality as one thinks. . . . Nothing is more rare than this exactness of judgment. Everywhere we meet false minds who have scarcely any discernment of what is true; who take everything the wrong way; who accept the worst kind of reasonings, and wish to make others accept them also; who allow themselves to be carried away by the least appearances of things; who are always excessive in their views and run into extremes; minds who either have no grasp to hold on to the truths they have acquired, because they have become attached to them through chance rather than solid knowledge; or who, on the contrary, persist in their ideas with such stubbornness that they listen to nothing that could undeceive them; who judge boldly of things neither they nor any one else, perhaps,

* "Good sense is the best distributed thing in the world," says Descartes at the beginning of his *Discours de la Méthode*.

ever understood ; who make no difference between talking to the purpose and talking nonsense, and are guided in their judgment by mere trifles. . . . So that there are no absurdities, however incredible, that do not find approving adherents. Whoever intends duping people is sure to find people glad to be duped, and the most ridiculous nonsense is sure to find minds suited for it."

Here, the rules of morality are confounded with those of logic. It is the latter that teaches us how to avoid error, if not in science (which is the object of speculative logic), at least in life. The development of these rules will be found in the *Recherche de la vérité* of Malebranche. The *Logique de Port Royal* will furnish us a *résumé* of them which will suffice here :

150. Illusions coming from ourselves.—1. A first cause of illusion in the judgments we pass upon things, is to take our interest for a motive of belief : " I am of such or such a country, *ergo*, I must believe that such or such a saint has preached the Gospel there ; I belong to such or such a class, *ergo*, I believe that such or such a privilege is a just one."

2. Our affections are another cause of illusion : " I love him, *ergo*, he is the cleverest man in the world ; I hate him, *ergo*, he is nobody." This is what may be called the sophistry of the heart.

3. Illusions of self-love. There are some who decide about everything by the general and very convenient principle, that they must be in the right. They listen but little to the reasons of others ; they wish to carry everything before them by main authority, and treat all those who are not of their opinion as indifferent thinkers. Some even, without suspecting it, go so far as to say to themselves : " If it were so, I should not be the clever man I am : or, I am a clever man ; *ergo*, it is not so."

4. Reciprocal reproaches which people may make to each other with the same right : for example, you are a caviler, you are selfish, blind, dishonest, etc. Whence this equitable and judicious rule of Saint Augustine : " Let us avoid in dis-

cussions mutual reproaching; reproaches which, though they may not be true at that moment, may justly be made by both parties."

5. A spirit of contradiction and dispute, so admirably depicted by Montaigne:

"We only learn to dispute that we may contradict, and every one contradicting and being contradicted, it falls out that the fruit of disputation is to lose and nullify the truth. . . One flies to the east, the other to the west; they lose the principal, and wander in the crowd of incidents; after an hour of tempest, they know not what they seek; one is low, the other high, and a third wide; one catches at a word and a simile; another is no longer sensible of what is said in opposition to him, being entirely absorbed in his own notions, engaged in following his own course, and not thinking of answering you; another, finding himself weak, fears all, refuses all, and, at the very beginning, confounds the subjects, or, in the very height of the dispute, stops short, and grows silent; by a peevish ignorance affecting a proud contempt, or an unseasonable modest desire to shun debate. . . ."

6. The contrary defect, namely, a sycophantic amiability, which approves of everything and admires everything: example, the *Philinte* of Molière.

Besides these different illusions which are due to ourselves and our own weaknesses, there are others engendered from without, or at least from the divers aspects under which things present themselves to us:

151. Illusions arising from objects.—1. The mixture of the true and the false, of good and evil which we see in things, is cause that we often confound them. Thus do the good qualities of the persons we esteem cause us to approve their defects, and *vice versa*. Now, it is precisely in this judicious separation of good from evil that a correct mind shows itself.

2. Illusions arising from eloquence and flowery rhetoric.

3. Ill-natured interpretations of people's peculiar views founded on mere appearances or hearsay; as, for example: such a one goes with doubtful characters, *ergo*, he is a bad character himself; such another associates with free-thinkers, *ergo*, he is a free-thinker likewise; a third criticises the gov-

ernment, *ergo*, he is a rebel; he approves its acts, *ergo*, he is a courtier, etc., etc.

4. False deductions drawn from a few accidental occurrences; as for instance: medicine does not cure all diseases, hence it cures none; there are frivolous women, hence all women are frivolous; there are hypocrites, hence piety is nothing but hypocrisy.

5. Error of judging of bad or good advice from subsequent events. As for example: Such or such an event followed upon such and such advice, hence it was good—it was bad.

6. Sophistry of authority. It consists in accepting men's opinions on the strength of certain qualities they may possess, although these qualities may have nothing to do with the matter in hand. For instance, by reason of their age, or piety, or, what is worse, of wealth and influence. Certainly we do not exactly say in so many words: such a one has a hundred pounds income, and must therefore be right; but there is nevertheless something similar going on in our minds, which runs away with our judgment without our being conscious of it.

In pointing out these various dangers upon which good judgment and upright reasoning are often wrecked, we indicate sufficiently the rules which ought to serve in the education of the mind: for it is enough to be warned against such errors, and be endowed with a certain amount of correct judgment, to recognize and avoid them.

152. Prudence.—From the faculty of judging and having an opinion about things, let us pass on to the third quality of the mind, namely: prudence, which consists, as Aristotle informs us, in deliberating well before doing anything, and which is the art of well discerning our interest in the things concerning us, and the interest of others in the things concerning them.

There are then two sorts of prudence: personal prudence, which is nothing more than self-interest well understood, and civil or disinterested prudence, which applies to the interests

of others; thus, a prudent general, a prudent notary, a prudent minister, are not only prudent in their own interests, but for that of others. Prudence from this point of view is then but a duty toward others. As to personal prudence, it may be asked how far it is a question of morals, and whether it is not excluded from them by the very principle of morals, which is duty. But we have already solved that difficulty. Because prudence is not all virtue, it does not follow that it is not *a* virtue. Certainly, we are too naturally inclined to seek our own interest, to make it necessary to set it down as a duty. But in case of struggle between self-interest and passion,* self-interest takes sometimes the character of duty. This is clear enough. Interest, if properly understood, represents general interest; and passion, private interest. To yield to passion, is to satisfy at a given moment, and for a very short time, one of our desires only. Prudence, on the contrary, pleads the cause of the general interest of the entire man, and for all his life. Man may be represented (as Plato has represented him) figuratively as a city, a republic, a world; it has been said that he is a microcosm (little world). This little world represents in miniature the harmony of the great world. The individual to whom the government of this little world is intrusted, and who stands in regard to himself as Providence stands in regard to the universe, should not favor a part of it at the expense of the rest. Prudence is then the virtue by means of which man governs the affairs of the little State of which he is the king. Prudence, moreover, is nothing more than foresight—that is to say, the faculty of foreseeing what is coming, of drawing from the past, consequences for the future, and acting conformably to the lessons of experience. Now, it is especially by this that man is distinguished from the animal: it is by this that he is capable of progress. He owes it then to himself to act according to the principles of reason, and not according to brute instincts.

* Unless, of course, passion itself implies a duty superior to self-interest: which is not the case here.

Another difficulty of greater import, is that prudence does not represent a special virtue, but is nothing more than a common name given to several particular virtues. Thus, prudence being defined "the discernment between the useful and the hurtful," it may be said that discernment, in point of sensual pleasures, will be called moderation or temperance; in point of riches, economy; that true courage holding the mean between temerity and cowardice, is necessarily accompanied by prudence; we have seen that science itself must learn how to keep within bounds, and this also is a sort of prudence. We shall find therefore that prudence has not, like other virtues, a property of its own. It is in reality nothing more than a mode common to all personal virtues, each presenting two standpoints to be considered from: 1, from the standpoint of personal dignity, which is the highest principle; 2, from the standpoint of a proper self-interest, which, subordinate to the first, is a secondary and relative standpoint.

However, applied in individual cases, we will give here a few of the rules concerning prudence in general:

1. It is not enough to attend to what good or evil the present moment may present; we should also examine what the natural consequences of this good or evil will be, so that, comparing the present with the future and balancing the one with the other, we may see the result beforehand.

2. It is unreasonable to seek a good which will inevitably be followed by a greater evil.

3. Nothing is more reasonable than to suffer an evil which is certain to be followed by a greater good.

4. One should prefer a greater good to a lesser, and conversely so in the case of evils.

5. It is not necessary to be fully certain in regard to great goods or evils, and probability is sufficient to induce a reasonable person to deprive himself of some lesser goods, or to suffer some slight evils, in view of acquiring much greater goods, or avoiding worse evils.*

* See Burlamaqui, *Droit naturel*, part I., ch. vi.

154. Duties relative to telling the truth.—Veracity and falsehood.—It is in the nature of man to express his thoughts by signs of various kinds, and oftenest by words. What is the law which is to regulate the relations between words and thoughts? Are we to regard words as arbitrary means serving indifferently to express any kind of thought, or as having no other end than to express our own particular thought, the same, namely, which comes to us at the moment of speaking? Common sense solves this question by esteeming in the highest degree those who use speech only to express their thought, and despising those who use it to deceive. This sort of virtue is called *veracity*, and its opposite is *falsehood*.

Falsehood is generally regarded among men as only a violation of the duty toward others. It is not from this standpoint we are going to consider it here. Unquestionably, one should injure no one in any way, no more by a falsehood than otherwise. But for a falsehood to be harmless, does it follow that it is not bad? The scholastics distinguished two kinds of falsehoods: the *malicious* falsehood, with intent to deceive, and the *verbal* falsehood, which consists in mere words, and does not spring from any wish to do harm (as, for example, the falsehood of the physician who deceives his patient). But such distinctions should not be admitted. Falsehood need not be malicious to be bad: it is bad of itself, whatever be its consequences. There remains then to know what is to be done in cases of conflict between our duties, and if moral law does not in certain cases relent? Even though it did, it would not suffice to authorize the distinction between two kinds of falsehoods. What precisely constitutes a falsehood is to be verbal—that is to say, to employ speech to express the contrary of truth. Whether malice enters into it or not, this is an accident which has nothing to do with the essence of falsehood; it may aggravate or attenuate it, certainly, but it does not constitute it.

To well understand the moral evil which resides in false-

hood one must take it at its source—that is to say, distinguish with Kant between *inner* and *outward* falsehood: the first whereby one lies to himself, namely, in lacking in sincerity in regard to himself; the second whereby one lies to others.

The human mind is naturally constituted for knowing the truth: truth is its object and its end. A mind that has not truth for its object is no mind. Whosoever uses his mind to satisfy his inclinations undoubtedly debases his mind, but he does not pervert it; but he who uses his mind to make himself or others believe the contrary to the truth, perverts and ruins his mind. He then perverts and destroys one of the most excellent gifts of his nature, and fails thereby in one of the strictest and most clearly defined duties.

It may be asked whether it is possible for man to really lie to himself, and if it is not rather a contradiction in terms. One can, in fact, understand how a man may be mistaken, but then he does not know that he is mistaken; it is an error, but no lie; if, on the contrary, he knows that he is mistaken, then for that very reason is he no longer mistaken; so that it would seem that there can be no lying to one's self.

And yet popular psychology, the subtlest of all, because it is formed in the presence of real facts, and under the true teachings of experience (whilst scientific psychology is always more or less artificial), this natural psychology, which sums up the experience of the whole of humanity, has always affirmed that man could voluntarily deceive himself, consequently lie to himself. The most ordinary case of inward falsehood is when man employs sophisms—that is to say, seeks reasons wherewith to smother the cry of his conscience; or when he tries to persuade himself that he has no other motive in view than moral good, whilst, in fact, he only acts from fear of punishment, or from any other interested motive.

"To take, through love of self, an intention for a fact, because it has for its object a good end in itself, is again," says Kant, "a defect of another kind. It is a weakness similar to that of the lover who, desirous

to see nothing but good qualities in the woman he loves,* shuts his eyes to the most obvious defects."

The inward lie is then an unpardonable weakness, if not a real baseness, and we must conclude from this that it is the same with the outward lie—the lie, namely, which expresses itself in words.

Here it may be objected that speech is not an integrant part of the mind, that it is only an accident, that whatever use we may make of speech we do not destroy thereby the principle of intelligence, for I may use my mind to discover and possess myself of truth, even though I should not make known the same to others, or make them believe otherwise than I think. From this standpoint falsehood would still remain a sin as a violation of the duty toward others, though not as a shortcoming in regard to one's self.

But this would be a very false analysis of the psychological fact called communication of thought. Speech is never wholly independent of thought. The very fact that I speak, implies that I think my speech: there is an inner affirmation required. I cannot make sophisms to deceive men without having first inwardly combined these sophisms through the faculty of thinking which is in me. I think then of one thing and another at the same time; I think at the same time of both the true and the false, and I am conscious of this contradiction. I employ then knowingly my mind in destroying itself, and I fall, consequently, into the vice pointed out above.

Kant gives another deduction than ours to prove that falsehood is a violation of duty toward one's self. But his deduction is, perhaps, not sufficiently severe:

"A man who does not himself believe what he tells another, is of less worth than is a simple *thing;* for one may put the usefulness of a simple thing to some account, whilst the liar is not so much a real man as a deceiving appearance of a man. . . . Once the major principle of veracity shaken, dissimulation soon runs into all our relations with others."

* See the celebrated lines in the *Misanthrope*, act ii., sc. v.

This deduction is very ingenious; but it lacks strictness, inasmuch as it is based on the use a man may be made of, which principle is contrary to the general principle of Kant's morals, and also because it rests on the standpoint of social interest, which lies outside the point in question.

155. Discretion.—It is evident that the duty not to lie, does not carry with it, as its consequence, the duty of telling all. Silence must not be confounded with dissimulation, and no one is obliged to tell all he has in his mind; far from it; we are here before another duty toward ourselves, which stands in some respect in opposition to the preceding one, namely, *discretion*. The babbler who speaks at all times and under all circumstances, and he who tells what he should not, must not be confounded with the loyal and sincere man, who only tells what he thinks, but does not necessarily tell all he thinks.

Silence is obviously a strict duty toward others, when the matter in question has been confided to us under the seal of secrecy. But it may also be said that it is a duty toward ourselves, and for the following reasons:

1. To use one's mind, as does the babbler, in giving utterance to barren and frivolous thoughts, is degrading: not all that accidentally crosses one's mind is worthy of being expressed; and it is simply heedlessness to fix one's mind on fleeting things, and give them a certain fixity and value through words; 2, there are, on the other hand, other thoughts, too precious, too personal, too elevated, to be indiscreetly exposed to the curiosity of fools or indifferent persons. Thus will it be heroic, unquestionably, to confess one's faith before the executioner, if there is need; but it is not necessary to proclaim it all round when there is no occasion for it: I believe such and such a thing; I belong to such or such a church; I hold such and such a doctrine; I belong to such or such a party, unless, of course, there is an interest in spreading one's belief; and even then it will be necessary to choose the right place and the right moment. As to using discretion

in regard to our sentiments, our moral qualities, or our defects, it is in one instance a duty of modesty and in another one of personal dignity.

156. Perjury.—If falsehood is in general an abasement of human dignity, it is a still greater abasement when it is of the kind called *perjury*, and a transgression which might be defined as a double falsehood.

Perjury is of two sorts: it either means swearing falsely or violating a former oath. In order to understand the meaning of perjury, one must know what constitutes an oath.

The oath is an affirmation where God is taken as a witness of the truth one is supposed to utter. The oath consists, then, in some respect, in invoking God in our favor, in making him speak in our name. We, so to say, attest that God himself, who reads the heart, would, if he were called in testimony, speak as we speak ourselves. The oath indicates that one accepts in advance the chastisements God does not fail to inflict upon those who invoke his name in vain.

It will be seen by this how perjury, namely, false swearing, may be called a double lie. For perjury is a lie, first in affirming a thing that is false, and second, in affirming that God would bear testimony if he were present. Let us add that there is here a sort of sacrilege which consists in our making God, in some respects, the accomplice of our lie.

It is true that men, in taking an oath, forget often its sacred and religious character, and, consequently, there is not always a sacrilegious intention in their false swearing. But it may still be said that perjury is a double lie; for in every oath taken, even though stripped of all religious character, there is always a double attestation: first we affirm a thing, and next we affirm that our affirmation is true. It is thus that in that form of speech long since worn out, which is called *word of honor*, we give our word and engage our honor to attest that such or such affirmation is true. To break this word is, then, to lie twice, for it is affirming a false affirmation. It is for

this reason that falsehood, which is always culpable, must, in this case, be regarded as particularly dishonorable.

As to perjury, considered as a violation of a former oath, it belongs to the class of promise or word-breaking, which is especially contrary to the duty toward others. Yet, even in this kind of falsehood, there is also a violation of personal duty; for he who breaks a promise (with or without oath) would seem to indicate by it that he did not intend keeping his promise, which is destructive to the very idea of a promise; it is then, once more, using speech, not as a necessary symbol of thought, but simply as a means of obtaining what we want, reserving to ourselves the liberty to change our minds when the moment comes for fulfilling our promise. This is abasing our intelligence, and making it serve as a means to satisfy our wants, whilst it belongs to an order far superior to these very wants.

CHAPTER XIV.

DUTIES RELATIVE TO THE WILL.

SUMMARY.

Duties relative to the will.—Strength of soul.—All duty in general is relative to the will: for there is not any which does not require the control of the will over the inclinations.

Virtue, especially when considered from the latter standpoint,—the control of the will over the inclinations,—is *strength of soul*, or *courage*.

Of courage and its different forms: *military courage; civic courage; patience, moderation* in prosperity; *equanimity*, etc.

Of anger and its different kinds.—Generous anger.

Duty of *personal dignity.—Respect for one's self. True pride* and *false pride.*—Of a *just esteem of one's self.*—Of *modesty.*

Duties relative to sentiment.—Have we any duties in regard to our sensibilities?—Kant's objection: no one can love at will. Reply.—To distinguish *sensibility* from *sentimentality.*

157. Duties relative to the will.—Strength of soul.—One may justly ask whether there are any duties relating particularly to the will: for it would seem that all duties are generally duties of the will. There is no one that does not require the control of the will over the inclinations; and if we say that it is a duty to cultivate and exercise this control, is it not as if we said that it is a duty to learn to do our duty? But why could we not also suppose a third duty, commanding us to observe the former, and so *ad infinitum?*

We may then say that the duty to exercise one's will and triumph over the passions, is nothing more than duty *per se*, the duty *par excellence*, of which all the other duties

are but parts. This virtue, by which the soul commands its passions and does not allow itself to be subjugated by any of them, may be called courage or strength of soul. Courage thus understood is not only a virtue; it is virtue itself.* In fact, what is temperance, if it is not a certain kind of courage before the pleasures of the senses? what economy, if not courage before the temptations of fortune? what veracity, if not the courage to tell the truth under all circumstances? what justice and benevolence, if not the courage to sacrifice self-interest to the interest of others? We have already (page 87) made a similar observation in regard to prudence and wisdom, namely, that virtue in general is both wisdom and courage: for it presupposes at the same time strength and light. As strength, it is courage, energy, greatness of soul; as light, it is prudence and wisdom. All special virtues would, then, strictly speaking, be only factors, or component parts, of those two.

158. Courage.—Yet if courage, in its most general sense, is virtue itself, usage has given it a special meaning which defines it in a more particular manner, and makes of it a certain distinct virtue, on the same conditions as all the others. As of all the assaults which besiege us in life, death appears to be the most terrible and generally the most dreaded, it is not to be wondered then that this kind of energy which consists in braving death and, consequently, all that may lead to it, namely, peril, has been designated by a particular name. Courage, therefore, is the sort of virtue which braves peril and even death. Then, by extension, the same word was applied to every manifestation of strength of soul before misfortune, misery, grief. A man can be brave in poverty, in slavery, under humiliation even—that is, a humiliation which is due to outward circumstances, and which he has not deserved.

This courageous virtue seems to have been the particular feature of the ancients, and by dint of its excellence, still retains its hold on us, dazzling our imagination, as a privileged

* *Virtus* in Latin has both meanings.

prestige. Yet is it only an illusion, and modern times are as rich in heroes as were ancient times: only we pay less attention to it perhaps; but, whether it be real superiority in this kind of virtue, or literary reminiscences and habits of education, nothing will ever erase that lively picture of ancient heroism so celebrated under the name of Plutarch's heroes, and which has always captivated all great imaginations. Stoicism, that original philosophy of the Greek and Roman world, is above all the philosophy of courage. Its character proper is the strength to resist one's self, to hold pain, death, all the accidents of humanity, in contempt. Its model is Hercules, the god of strength; all the great men of antiquity, whether consciously or not, were stoics: such were especially the ancient Roman citizens; they were austere, inexorable; slaves to duty and discipline, faithful to their oath, to their country;—Brutus, Regulus, Scævola, Decius, and thousands more like them. When stoicism came in contact with the last great Romans, it found material all ready for its doctrines; it then became the philosophy of the last republicans, the last heroes of a world which was fast disappearing.

The courage which most impresses men is *military courage.*

"The most honorable deaths occur in war," says Aristotle, "for in war the danger is the greatest and most honorable. The public honors that are awarded in states and by monarchs attest this.

"Properly, then, he who in the case of an honorable death, and under circumstances close at hand which cause death, is fearless, may be called courageous; and the dangers of war are, more than any others, of this description." *

In looking at it from this somewhat exclusive standpoint, Aristotle refuses to call courageous those who brave sickness and poverty; "for it is possible," he says, "for cowards, in the perils of war, to bear with much firmness the losses of fortune;" nor does he allow to be called courageous "him who firmly meets the strokes of the whip he is threatened with."

This is but a question of name and degree. Wherever

* Aristotle, Nicomachean Ethics. Translated by R. W. Browne, III., vi.

there are any evils to brave, the firmness which meets and bears these evils can be called courage; on the other hand, the sense of the word can, if preferred, be restricted to military perils; but what Aristotle has most justly defined, and of which he makes a very subtle analysis, is the difference between apparent and true courage. Thus the courage of constraint and necessity—as, for instance, that of soldiers who would be mercilessly killed, if they retreated before the enemy—is not true courage, for one cannot be brave through fear. Nor should anger be confounded with courage: this were but the courage of wild beasts obeying a blind impulse under the sting of pain. At that rate, the donkeys even, when hungry, would be brave. That which determines true courage is the sentiment of honor, not passion. We should neither call brave him who is so only because he feels himself the strongest, like the drunkard full of confidence in the beginning, but who runs away when he does not succeed. For this reason is there truer courage in preserving one's intrepidity and calm in sudden dangers, than in dangers long anticipated.* Finally, ignorance cannot be called courage either: to brave a danger one is ignorant of, is only to be apparently brave.

Aristotle finds also in courage an excellent opportunity to apply his celebrated theory of the golden mean. Courage is for him a medium between temerity and cowardice. But it is not the too much or too little in danger which determines what we ought to call courage. There are cases where one may be obliged to brave the greatest possible danger without being for that rash; other cases where, on the contrary, one has the right to avoid the least possible peril without being for that a coward. The true principle is that one should brave necessary perils, be they ever so great; and likewise avoid useless perils, be they ever so slight. Yet, the question of degree should not be wholly overlooked. There are some

* This idea of Aristotle may be questioned; for, in a sudden peril, one may be sustained by a natural impulse, and the feeling of self-defense, whilst anticipated peril allows all the impressions of fear to grow: it requires, therefore, a greater effort to overcome them.

perils which, without being necessary, it is useful to brave (were it but to train one's self for greater ones). Such are, for example, the dangers connected with bodily exercises. Peril and utility must, of course, be compared with each other; for example, he who from considerations of utility would wish to avoid all kinds of perils, will be wanting in courage; and he who, on the contrary, would lightly brave an extreme peril, will naturally deserve to be called rash. Thus must we first consider the nature of the peril, and, secondly, the degree.

159. Civic courage.—Although military courage is the most brilliant and popular form of courage, it may be asked whether there is not a higher and nobler form still, namely, civic courage.

Cicero, who, to say the truth, was not sufficiently disinterested in the matter, persists in showing that civic virtues are equal to military virtues, and demand an equal amount of courage and energy.* A firm and high-souled man, he says, has no trouble in difficult circumstances, to preserve his presence of mind and the free use of his reason, to provide in advance against events, and to be always ready for action when necessary.

This is a sort of courage more difficult perhaps than the one required in a hand-to-hand struggle with the enemy. Civic life, besides, has itself trials which often imperil one's existence.

Antiquity has left us innumerable and admirable examples of civic courage against tyranny. Helvidius Priscus was thought to look with disapproval upon Vespasian's administration. The latter sent him word to keep away from the Senate: "It is in thy power," replied Helvidius, "to forbid my belonging to the Senate, but as long as I belong to it, I shall attend it."—"Go, then," said the emperor, "but hold thy tongue."—"If thou ask me no questions I will make thee no answers."—"But I must ask thee questions."—"And I must answer thee what I think just."—"If thou dost, I shall have

* *De Officiis*, I., xxiii.

thee put to death."—"When have I said to thee that I was immortal?" But nothing ever surpassed the intrepidity of Socrates, either before the Thirty Tyrants who wished to interdict him free speech,* or before the people's tribunals which condemned him to death:

Plato in his *Apology* makes him say: "If you were to tell me now, 'Socrates, we will not listen to Anytus: we send thee back absolved on condition that thou ceasest philosophizing and givest up thy accustomed researches,' I should answer you without hesitation, 'O Athenians, I honor and love you, but I shall obey God before I obey you.'"

Then, after having been condemned to death, he closes with these admirable words:

"I bear my accusers, and those who have condemned me, no resentment, although they did not seek my good, but rather to injure me. But I shall ask of them one favor: I beg you, when my children shall be grown up, to persecute them as I have myself persecuted you, if you see that they prefer riches to virtue. . . If you grant us this favor, I and my children shall have but to praise your justice. But it is time we go each our way: I to die, you to live. Which of us has the better part, you or I? This is known to none but God."

160. Patience.—One of the most difficult forms of courage is that which consists not only in braving or repelling a threatening danger (which presupposes some effort and activity), but in bearing without anger, without any sign of vain revolt, the ills and pains of life: this is *patience*. There is a kind of patience which is but a part of our duty in regard to others: one must learn to bear a great deal from others, they having often a great deal to bear from us. But we speak here of that inner patience which is our strength in grief; the patience of the invalid in his daily sufferings; that of the poor man in his poverty; the patience, in short, which all must exercise amidst the innumerable and inevitable accidents of life. It is, above all, that sort of virtue which the Stoics meant when they said with Epictetus: "You should not wish things to happen as you want them; but you

* See Xenophon's *Memorabilia of Socrates*, I., i.

should wish them as they do happen." A maxim which Descartes translated substantially, saying: "My maxim is rather to try to overcome myself than fortune, and rather to change my own wishes than to change the order of the world." Which he explained by saying:

"If we regard the goods which lie outside of us as unattainable as those we are deprived of from our birth, we shall no more grieve at not possessing them, than we should in not possessing the empires of China or Mexico; and, making, as it is said, a virtue of necessity, we shall not any more desire to be healthy when ill, or to be free when in prison, than we desire now to have bodies of as incorruptible a stuff as diamonds, or to have wings to fly with like birds." *

It is this kind of courage which at every moment of life is most in requisition, and which is the rarest; for there will be found plenty of men capable of braving death when the occasion presents itself; but to bear with resignation the inevitable and constantly renewed ills of human life, is a virtue all the more rare as one is scarcely ever ashamed of its opposite vice. One would blush to fear peril, one does not blush for rebelling against destiny; one is willing to die if necessary, but not to be thwarted. Yet will it be admitted that to succumb under the weight of destiny, is a kind of cowardice. It is for this reason that it would be justly said that suicide is also a cowardly act; for whilst it is true that it demands a certain physical courage, it is also true that the moral courage which bears the ills of life is of a still higher order.

"You take a journey to Olympia." says Epictetus, "to behold the work of Phidias, and each of you thinks it a misfortune to die without a knowledge of such things; and will you have no inclination to see and understand those works, for which there is no need to take a journey; but which are ready and at hand, even to those who bestow no pains! Will you never perceive what you are, or for what you were born, or for what purpose you are admitted to behold this spectacle? But there are in life some things unpleasant and difficult. And are there none at Olympia? Are you not heated? Are you not crowded?

* *Discours de la Méthode*, part III.

Are you not without good conveniences for bathing? Are you not wet through, when it happens to rain? Do you not have uproar and noise, and other disagreeable circumstances? But, I suppose, by comparing all these with the merit of the spectacle, you support and endure them. Well, and have you not received faculties by which you may support every event? Have you not received greatness of soul? Have you not received a manly spirit? Have you not received patience? What signifies to me anything that happens, while my soul is above it? What shall disconcert or trouble or appear grievous to me? Shall I not use my powers to that purpose for which I received them; but lament and groan at every casualty?" *

But we should not confound true strength, true courage, true patience, with false strength and ridiculous obstinacy.

"An acquaintance of mine," says again Epictetus, "had, for no reason, determined to starve himself to death. I went the third day, and inquired what was the matter. He answered: 'I am determined.'—'Well; but what is your motive? For, if your determination be right, we will stay, and assist your departure; but if unreasonable, change it.'—'We ought to keep our determinations.'—'What do you mean, sir? Not all of them; but such as are right. Else, if you should fancy that it is night, if this be your principle, do not change, but persist and say, "We ought to keep to our determinations." 'What do you mean, sir? Not to all of them. Why do you not begin by first laying the foundation, inquiring whether your determination be a sound one, or not; and then build your firmness and constancy upon it. For, if you lay a rotten and crazy foundation, you must not build; since the greater and more weighty the superstructure, the sooner will it fall. Without any reason you are withdrawing from us, out of life, a friend, a companion, a fellow-citizen both of the greater and the lesser city; and while you are committing murder, and destroying an innocent person, you say, "We must keep to our determinations." Suppose, by any means, it should ever come into your head to kill me; must you keep to such a determination?'

"With difficulty this person was, however, at last convinced; but there are some at present, whom there is no convincing . . . a fool will neither bend nor break." †

161. Moderation.—The ancients always associated with patience in adversity another kind of courage, no less rare and

* The Works of Epictetus. T. W. Higginson's translation, ch. vi., p. 21.

† The Works of Epictetus. T. W. Higginson's translation, ch. xv., page 130.

difficult, namely, moderation in prosperity. It was for them, in some respects, one and the same virtue, exercised in two opposite conditions, and this is what they call *equanimity.*

"Now, during our prosperity," says Cicero, "and while things flow agreeably to our desire, we ought, with great care, to avoid pride and arrogance; for, as it discovers weakness not to bear adversity with equanimity, so also with prosperity. That equanimity, in every condition of life, is a noble attribute, and that uniform expression of countenance which we find recorded of Socrates, and also of Caius Lælius. Panætius tells us, his scholar and friend, Africanus, used to say that as horses, grown unruly by being in frequent engagements, are delivered over to be tamed by horse-breakers, thus men, who grow riotous and self-sufficient by prosperity, ought, as it were, to be exercised in the traverse * of reason and philosophy, that they may learn the inconstancy of human affairs and the uncertainty of fortune.†

Nothing occurs more frequently among the ancient poets and moralists than this idea of the vicissitude of human things. The metaphor of Fortune's wheel, which sometimes lowers to the greatest depth those it raised highest, is well known. We need scarcely dwell upon this commonplace saying which has never, for an instant, ceased to be true; although the more regular conditions of modern society have introduced more security and uniformity in life, at least for those who live wisely and with moderation. Yet is no one secure against the changes of fortune; there are unexpected elevations as there are sudden falls; and firmness in either bad or good fortune will always be necessary.

162. Equality of temper; anger.—To equality of temper or possession of one's self, there is still another obligation attached: that of avoiding anger, a passion which the ancients with reason considered the principle of courage,‡ but which

* Latin, *gyrus*, the ring in which colts are driven round by horse-breakers.

† Cicero, *De Officiis*, I., xxvi.

‡ Plato's *Republic*, I., iv.: A man deserves to be called courageous when that part of his soul in which anger resides obeys the commands of reason.

of itself is without any rules, and is more proper to beasts than men. Aristotle has described the irascible disposition with great accuracy. He justly distinguishes two kinds of anger; one where a man is easily carried away, and as easily appeased again, and the other where resentment is nursed and kept up for a long time. The first is the irascible disposition; the second, the splenetic or vindictive disposition.

"Irascible men," says Aristotle, "are easily angered, with improper objects, on improper occasions, and too much; but their anger quickly ceases, and this is the best point in their character. And this is the case with them, because they do not restrain their anger, but retaliate openly and visibly, because of their impetuosity, and then they become calm.—But the bitter are difficult to be appeased, and retain their anger a long time, for they repress their rage; but there comes a cessation, when they have retaliated; for revenge makes their anger cease, because it produces pleasure instead of the previous pain. But if they do not get revenge, they feel a weight of disappointment: for, owing to its not showing itself, no one reasons with them; and there is need of time for a man to digest his anger within him. Persons of this character are very troublesome to themselves, and to their best friends." *

Seneca, in his treatise on *Anger*, has conclusively shown all the evils this passion carries with it, and of which Horace justly said: "Anger is a short madness."

Yet, if anger is an evil, apathy, absolute indifference, is far from being a good. Whilst there is a brutal and beastly anger, there is also a noble, a *generous anger*, namely, that which is at the service of noble sentiments. Plato describes it in the following terms:

"When we are convinced that injustice has been done us, does it not plead the cause of what appears to it to be just? Instead of allowing itself to be overcome by hunger, by cold, by all sorts of ill-treatments, does it not overcome them? It never ceases a moment to make generous efforts toward obtaining satisfaction, and nothing but death depriving it of its power, or reason persuading or silencing it, as the shepherd silences his dog, can stop it."†

* Aristotle, *Nicomachean Ethics*, R. W. Browne's transl., IV., v.

† Plato's *Republic*, I., iv.

Aristotle also approves of this generous anger, and blames those with souls too cold:

"One can only call stupid those who cannot be aroused to anger about things where real anger ought to be felt. . . He who does not then get angry appears insensible and ignorant of what just indignation means. One might even believe him, since he has no feeling of courage, unable to defend himself when necessary. But it is the cowardice of the slave's to accept an insult and to allow his kin to be attacked with impunity." *

But that which is not easy, as Aristotle remarks, is to find an exact and proper medium between apathy and violence:

"It is difficult to determine with accuracy the manner, the persons, the occasions, and the length of time for which one ought to be angry, and at what point one ceases to act rightly or wrongly. For he who transgresses the limit a little is not blamed, whether it be on the side of excess or deficiency: and we sometimes praise those who fall short, and call them meek; and we call the irascible manly, as being able to govern . . . the decision must be left to particular cases, and to the moral sense." †

163. Personal dignity.—A generous anger, as has been seen, has its principle in the sentiment of *personal dignity*, with which the *duty of self-respect* is connected.

Man's free will is what essentially constitutes the dignity of human nature, the moral personality. Man's duty toward himself as a moral personality is then dependent upon his will.

This duty of self-respect, of the moral personality, has been admirably expressed by Kant, and we can do no better than transcribe here the passage:

"Man, considered as an animal, is a being of but mediocre importance, and is not worth any more than other animals. His utility and worth is that of any marketable thing.—But,

* Anger is still nobler when provoked by injustice done to others.

† Aristotle, *Nicomachean Ethics*, IV., v.

considered as a personality, he is priceless; he is possessed of a *dignity* which can claim the respect of all other reasonable creatures, and which allows him to measure himself with each of them, and consider himself their equal.

"But this respect, which he has a right to exact of every other man, he should not despoil himself of. He can, and should, therefore, estimate himself both in ratio to his greatness and littleness, according as he considers himself a sensuous being (in his animal nature), or an intelligent being (in his moral nature). But as he should not only consider himself as a person in general, but also as an individual man, his lesser worth as animal-man should not impair the consciousness he has of his dignity as reasonable man, and he must hold on to the moral estimate he makes of himself as such. In other words, he should not pursue his aims in a lowly and servile manner, as if he solicited favors: this would be abdicating his dignity; he should always uphold within himself the consciousness of the nobility of his moral faculties, for it is this estimate of one's self which constitutes the duty of man toward himself.

"The consciousness and conviction of our little moral worth, compared with what the law requires of us, is moral humility. The contrary consciousness and conviction, namely, the persuading ourselves, for want of this comparison, that we are of very great worth, may be called the pride of virtue.—To reject all claim to any moral worth whatsoever, in the hope of acquiring thereby a hidden worth, is a false moral humility and an abasement of the mind. To undervalue one's own moral worth for the purpose of obtaining thereby the favor of another (through hypocrisy or flattery, namely), is also a false humility, and, moreover, an abasement of one's personality. True humility should of necessity be the result of an exact and sincere comparison of one's self with the moral law (with its sanctity and severity). This duty relative to the human dignity in our personality may be more or less clearly stated in the following precepts: Be no man's slave; let not your

rights be trampled under foot; contract no debts for which you cannot give full security; accept no gifts which you can do without; be neither a parasite, nor a flatterer, nor a beggar; complaints and lamentations, even a single cry wrung from us by bodily pain, are things unworthy of us (still more unworthy if the pain is deserved). Therefore is a criminal's death ennobled by the firmness with which he meets it. Can he who makes himself a worm complain if he be crushed?" *

164. True and false pride.—We should, however, not confound a true and noble *pride*, without which man is but a thing and a slave, with a passion which looks like it, but which is but its phantom; I mean *false pride*. True pride is the just feeling man has of his moral dignity, and which interdicts him to humble the human personality in others, or to allow it to be humbled in himself. False pride is the exaggerated feeling we entertain in regard to our own advantages and superiority over other men. True pride is related to what there is sacred and divine in us; false pride, on the contrary, feeds and grows fat on the trifling and petty concerns of our mere individuality. There is in man, the stoics said, an inner god: the human essence, namely, of which the individual is but the depository, and which he ought to keep sacred and holy as a divine host. This respect for the human personality, religious morality calls holiness; worldly morality calls it honor; it is one and the same principle under different forms; it is the idea of something sacred in us which we must neither stain nor debase. True pride rests then on what there is common among all men, on what makes them equals. False pride, on the contrary, regards chiefly our peculiarities, and what we call more especially our own. True pride asks for nothing more than to be free from oppression; false pride wants to oppress others. True pride is noble; false pride, brutal and insolent. Of course it has its degrees according to the nature of the advantages of

* Kant, *Doctrine de la Vertu, trad. franç.*, p. 96.

which it boasts. The pride, for example, which boasts of material advantages, is the grossest of all; pride of birth and ancestry is more pardonable, but if he who is proud of them shows it too much he becomes disgusting, and true pride will have a right to protect itself against that kind of false pride. He, again, who is proud of his intellectual advantages is less blameworthy than the former, for these advantages belong, at least, to his personality; but as they are not due to the man, and as, however great they may be, they have still their weak sides, this also is an inexcusable pride. The pride which might appear to be the most pardonable is the pride of virtue, if there were not in some respects a sort of contradiction of terms in drawing advantage and honor from a good the essentiality of which consists in self-forgetfulness and the pure and simple observance of the law.

The diminutive of false pride is *vanity*. False pride looks to great things, at least to such as appear great to men; vanity boasts of the smallest. False pride is insulting; vanity wounding. The one is odious, the other ridiculous. The lowest order of vanity is *foppishness*, or the vanity of external advantages—the person, the toilet, superficial accomplishments. This diminutive of false pride is one of the most pitiable of passions, and should be combated by manly efforts.

165. Modesty.—The virtue opposed to false pride, and which, besides, is nowise irreconcilable with true pride, is modesty, a correct feeling, namely, of one's just worth. Morality does not forbid us a proper estimate of our merits; these merits, besides, having but a relative value, and representing but faintly the high ideal we should always keep before our eyes. To fail to appreciate the advantages we owe to nature, is often indicative only of laziness and apathy. He who depreciates himself is not disposed to turn what there is in him to account. This self-depreciation, in order to avoid the responsibility of using his faculties, is often but a subterfuge and the sophistry of indolence. There is nothing contrary to duty in the acknowledgment of our worth, so long as we do

not boast of it, but thank Providence for it, and put to use the gifts it has conferred on us. If, on the contrary, the question is of virtues we have acquired by our own efforts, the satisfaction we experience from it is but the just recompense of these efforts; and such a feeling could not be condemned; for such condemnation would be a virtual protest against the moral conscience, which consists as much in the satisfaction we derive from good actions as in the regrets which accompany the bad.

Unquestionably, "the left hand should not know what the right hand doeth;" which means that we should not everywhere proclaim aloud our good actions, and that we should as much as possible forget them. But this forgetting should not go so far as indifference; for our morality depends upon our consciousness.

But if it is lawful for man to rejoice over his natural or acquired gifts, it is on the condition that he do not exaggerate their import: this is easy enough if we compare ourselves to those who are still better gifted than we are, or think of what we should and could do with greater efforts, more courage, better will; or in recognizing the narrow scope, limits, and defects of these gifts, or in keeping, above all, our eyes more open to our faults than our good qualities. Beware of the beam of the Gospel.

Modesty should not only be external, but internal also; externally, it is above all a duty we owe others, whom we should not humble by our superior advantages; internally, it is a duty to ourselves, for we should not deceive ourselves about our own worth. One is sometimes modest externally without being so internally, and conversely. I may pretend before men to have no great opinion of myself, whilst internally I am full of conceit: this is sheer hypocrisy. I may, on the other hand, externally attribute to myself advantages which my conscience altogether denies: this is bragging. One should be modest both inwardly and outwardly, in words and actions. But how, in what manner, and to what degree must we be

modest? It is impossible in matters so delicate to establish definite rules, and the decision must be left to our own judgment.

There is another virtue to be distinguished from modesty, namely, *humility*. Humility should not be an abasement; for it is never a virtue in man to lower himself. But, even as dignity and true pride are virtues which spring from a proper sense of human greatness, so humility is a virtue which springs from a proper sense of human weakness. Remember that thou art a man and do not degrade thyself: this is self-respect. Remember that thou art but a man and do not allow thyself to indulge in vain pride; this is humility. Modesty relates to the individual; humility to human nature in general. As to that false humility which consists in lowering one's self before men unnecessarily, and without any occasion for it (like Tartufe, for example:

"Yes, brother, I am a sinner and a wretch!" *),

it is but the falsehood of virtue, and should be rejected by all manly and generous morality.

166. Duties relative to sentiment.—A last point which should not be neglected is this: has man, as far as he is endowed with moral sensibility—that is to say, as far as he is a susceptible being—capable of love, enthusiasm, affection, any duties toward himself?

Kant maintains that love cannot be an object of duty; that no one is obliged to love: that sentiment is phenomenal and belongs to the order of nature, and can neither be produced nor prevented; that, consequently, it has nothing to do with morals. The only love admitted by Kant in morals is what he calls *practical* love: namely, the love which consists in actions and does others good, or any kind of sentiment accompanying benevolence, provided it be a disinterested sentiment. "All other love," he says in his odd and energetic language, "is *pathological*," that is, sickly.

* Molière's *Tartufe*.

Kant, no doubt, is right if he means that false sentimentality or feeble softness,* which the poet Gilbert has so well described, and which the enervating literature of the latter part of the eighteenth century made so ridiculous. We should take care not to fall into an effeminate tenderness or a silly philanthropy which sacrifices justice to a mawkish sensibility. But all danger and defects set aside, there still remains the question whether we owe anything to our own heart, and whether the only thing directly commanded us, be action.

It is quite true that it is not an effect of our will if our heart is more or less tender, more or less sympathetic. Nature has made some souls gentle and amiable, others austere and cold, others again heroic and hard, etc.; the moralists should not forget these differences, and the degree of sensibility obligatory on all cannot be absolutely determined. But there are two facts which certainly oblige us to put some restrictions upon Kant's too harsh doctrine. The first is that moral emotion (affection, enthusiasm for the beautiful, for our country) is never wholly absent in any human soul; the second is that sensibility does not altogether lie outside our will. We can smother our good feelings as we can smother our evil passions; we can also cultivate them, develop them, encourage them; give them a greater or less share in our lives, by placing ourselves in circumstances which favor them. For example, say such or such a person is but slightly endowed with sensibility or sympathy for the sufferings of the wretched; yet is it impossible that he be entirely deprived of them: let him overcome his repugnance and indifference; let him visit the poor, put himself at the service of human misery; the dormant sympathy will inevitably awaken in his heart. By

* And shall I speak of Iris, loved and praised by all?
Ah! what heart! ah! what heart! humanity itself!
A wounded butterfly calls forth the truest tears!
Ah, yes; but when to death poor Lally is condemned,
And to the block is dragged, a spectacle to all,
Iris will be the first to go to the dread feast,
And buy herself the joy to see his dear head fall.
GILBERT, *le Dix-Huitième Siècle.*

this fact alone will he be enabled to do good with more ease, and raise his soul to a higher degree of perfection and beauty.

Not only should sentiment not be excluded from virtue, as Kant in his excessive austerity demands, but it should be considered its ornament and bloom. "The virtuous man," says Aristotle, "is he who takes pleasure in doing virtuous acts." One should therefore endeavor to awaken in one's self, if one has not yet experienced it, or develop, if one has already experienced it, the noble pleasure which accompanies great sentiments. On the other hand, and for the same reason that it is a duty for man to develop within him, in the limits of the possible, the share of sensibility he may have received from nature, it is also his duty not to encourage this same disposition too much if he should be inclined this way. For sensibility should only be an auxiliary and a stimulant to virtue; it should never take its place: otherwise it will lead us astray. An exaggerated sensibility often smothers the voice of justice, enervates us, and deprives us of the robust courage we need in life. There is a reasonable limit which tact and experience alone can teach us. Morality can only give advice and directions. More precise rules are impossible, and would be ridiculous. There is no moral thermometer to indicate the degree of heart-heat each of us is allowed and is obliged to have. Let us only say, that in so delicate a matter, it is better to have too much sensibility than too little.

CHAPTER XV.

RELIGIOUS MORALITY.—RELIGIOUS RIGHTS AND DUTIES.

SUMMARY.

Are there duties toward God?

Duties toward God.—Analysis of the religious sentiment.—Two elements: 1, the sentiment of the infinite; 2, the need of hope and consolation.

Can sentiment become a duty?

Indirect duties toward God.—Piety united with all the acts of life: 1, obedience; 2, resignation; 3, love of God united to that of man.

The idea of God in morals.—God the surety of the moral law.

Religious society.—Fénélon and Epictetus.

Religious rights.—Liberty of conscience: liberty of opinion, liberty of worship, liberty of propagandism.

It is not our purpose to speak here of the different forms of religious thought among men: t is is the special domain of conscience; but among all these forms, is there no common ground which may be said to belong to the human soul, and which is found to be the same with the sages of pagan antiquity and the modern philosophers, although they may not have adopted any special form of worship? Yes. This common ground of all religion is the idea of God.

167. Are there any duties toward God?—If, as we have seen in our first book (Vol. I., last chapter), there is a God, that is to say, an author of the physical and moral universe, and its preserver and protector and father, it follows that man, as a part of this universe, and distinguished from its other creatures by the fact that he knows himself to be a child of God, is held to entertain toward this supreme father, sentiments of

gratitude and respect, and toward this supreme judge sentiments of fear and hope, all of which gives rise to a whole class of duties.

Some doubts have been raised on this point by certain philosophers, and the question has been asked whether man, so out of all proportion when compared to God, could have any duties toward Him? It has been said, moreover, that there could be no duty toward a being to whom we can do neither good nor harm. God, the essence of all perfection and supreme happiness, can have nothing added to nor taken from these by us. We are therefore under no obligation to him whatsoever.

1. As for the absolute disproportion we imagine to exist between God and man, this disproportion does not prevent my having an idea of God: why should it prevent my loving him and putting myself in relation with him? Fénélon justly said: "Nothing is so wonderful as the idea of God which I carry within myself; it is the infinite contained within the finite. That which is within me is infinitely beyond me. I do not understand how it comes to be in my mind, and yet it is there, nevertheless. This indelible and incomprehensible idea of the Divine Being is what, despite my imperfection and weakness, makes me resemble him. As he infinitely knows and loves himself, so do I, according to my power, know and love him. I can love the infinite by no other means than by my finite knowledge, and love it by no other than a love as finite as myself. . . . I wish my love were as limitless as the perfection it loves. It is true, again, that this knowledge and this love are not equally as perfect as their object, but the man who knows and loves God according to his measure of knowledge and love is incomparably more worthy of this perfect being than the man without God in the world, caring neither to know nor to love him." * Hence it can be concluded that the duties of man toward God are implied in the knowledge he has of him.

* *Lettre sur la métaphysique*, lettre II., chap. ix.

2. As to the second difficulty, it consists in saying that God being susceptible of neither benefits nor injuries, it is not quite clear what acts we could perform in his behalf. But the question is precisely to know whether we only owe duties to beings susceptible of benefits and injuries. We have, for example, to perform duties of justice, love, respect toward the dead, although we can do them neither good nor harm, since they are dead; and although we have reason to think that the dead still exist under another form, the duties we still owe them, are independent of this consideration, and notwithstanding the doubt of the immortality of souls, or their relations with the living, these duties still subsist: those souls might be so happy, and in conditions so different from those of our earthly life, that they might have become wholly indifferent to such, at least to harm. A historian, for instance, would not be justified in slandering his heroes under the pretext that, not believing in the immortality of the soul, he knew he could do them no harm. Man, even in this life, can, through patience and gentleness, so rise above all insults as to become wholly insensible to them: which fact, however, does not imply that the insults done him are innocent. The same man might be so modest as to feel no need of any homage, which would make it no less a duty of justice on the part of others to render him all the homage that is due him. Wholly inward feelings, not evidenced by any outward act whatsoever, cannot in reality do their object any good or harm; yet no one will question their being duties. It may then be seen that duty is not regulated by the good or evil which may outwardly be done, but by the order of things which requires that every being be loved and respected according to his merit. Now, from this standpoint, there can be no doubt that God, who is supreme perfection and the principle of all order and justice, is the legitimate object of the highest respect and the profoundest love.

It may be said, perhaps, that these sentiments toward the Creator are rather duties we owe ourselves than God, for it is

for our own sakes that we are bound to give to our sensibility and affection the highest object they can have. Since the perfection and the dignity of the soul are enhanced by religion, it is our duty to be religious.

Fénélon is quite right when he says that "the man who knows and loves God is more *worthy* of him than he who lives without him." Is it not the same as to say that religion rendering man more like God, and bringing him nearer to him, man owes it to himself to rise above himself through piety and the love of God?

But it matters very little how we explain the nature of the duties toward God, provided we recognize them. Whether they be considered a distinct class, or whether we only see in them the highest degree of man's duties toward himself; all this is but a useless speculation. We could say conversely, and with equal justice, that our duties toward ourselves are but a part of our duties toward God: for duty itself, in its highest conception, being to reach after the highest possible perfection, we can say, with Plato, that virtue is the imitation of God; that, consequently, man owes it to himself to resemble God as much as possible, and that, conversely, he owes God, as the type of supreme perfection, to draw ever nearer to him through self-improvement. But how could he seek to draw nearer to God's supreme perfection if he did not entertain for him the feelings of love and respect, which constitute what we, in general, call religious sentiment?

168. Duties toward God.—Analysis of the religious sentiment.—What is called *duties toward God* is nothing else than the different acts by which we endeavor to bring about, cultivate, develop in us, or in others, religious sentiment. When these acts are external, and take a certain definite form, they constitute what is called *outward worship*, and are consequent upon positive religions. When they are concentrated in the soul, and confined to sentiments, they constitute what is called *inner worship*. The virtue which corresponds to these inner acts and sentiments is called *piety*.

The duties toward God being thus blended with religious sentiment we must, in order to set them forth, first analyze this sentiment.

Religious sentiment is composed of two elements: one which may be called *metaphysical*;* the other, *moral*. 1. Metaphysically, the love of God is the sentiment of the infinite, the need of attaching ourselves to the absolute, the eternal, the immutable, the true in itself—in one word, to Being. The thinking man, and even the thoughtless man, looking at himself, finds himself small, feeble, miserable. "Oh!" exclaims Bossuet, "how much we are nothing!" "Man becomes vile to himself," says St. Bernard. "Man feels that he is frail, that his life hangs but on a thread, that he is constantly passing away. The goods of the world are perishable. The fashion of this world passeth away. We neither know who we are, whence we come, whither we are going, nor what sustains us during the short period of our lives. We are suspended between heaven and earth: between two infinities; we stand as on quicksands." All these strong expressions of mystics and religious writers admirably express the need we stand in of the absolute, the immutable, the perfect,—a need felt more particularly by devout minds, but which all men, without exception, experience in some degree or other, and which they endeavor to satisfy the best they can. All our efforts to reach the absolute in science, in art, in politics even, are but the forms in which this need of the absolute manifests itself. The insatiable pursuit of the gratification of the passions even is, also, under a vain appearance, the same need. It is this feeling of the eternal and the infinite, which the greatest metaphysicians all regarded as the ultimate foundation of morality. Plato, Plotinus, Malebranche, Spinoza, all enjoin upon us to seek eternal, in preference to perishable, goods.

* Metaphysics is the science which treats of what is beyond and above nature. We call *metaphysical* such attributes of God by which he surpasses nature; as, for instance, infinitude, immensity; the moral attributes, on the contrary, are those which have their analogies in the human soul, such as kindness, wisdom, etc.

This sentiment, conscious of ever striving after the substance of good and not its shadow, is the profoundest, nearest, and dearest element of religious sentiment.

2. Thus much in regard to the metaphysical element of religion: next comes the moral element. God does not only appear to the human soul as a being infinite, inexhaustible, eternal. The soul wants him nearer, and in her respectful boldness she calls him *Father*. Man is not only feeble and imperfect; he is also a sinner and a sufferer; evil is his condition. The frailty of our being and its narrow limits are already an evil; but these are the least of evils; humanity suffers, furthermore, from a double evil far more real and poignant: pain and sin. Against physical pain, suffering, it has but the feeble resource of prudence; against moral evil it has but one means of defense, very weak also—free-will. It would seem that we are the masters of the universe; but experience shows, on the contrary, that we are the feeblest among its creatures; often does the will succumb; and Kant himself, despite his stoicism, asks whether indeed a single act of virtue has ever been accomplished in the world. Life, on the whole, notwithstanding its grand aspects and its few exquisite and sublime joys, life is bad; all ends badly, and death, which puts an end to all evils, is yet the greatest of evils. "The human soul," says Plato, "like a bird, raises its eyes to heaven," and calls for a remedy, a help, a deliverance. "Deliver us from evil," is the cry of every religion. God is the liberator and comforter. We love what is good and we do what is evil; we impatiently desire happiness, and meet with nothing but wretchedness. Such is the contradiction Pascal points out with such incisive eloquence. This contradiction must be removed. Hope and trust in a supreme and benevolent Being must ransom us from pain and sin.

Many persons place the essence of religion in the belief in a future life, or immortality of the soul. Who, without the hope of gaining paradise, would think of God? But this is a contradiction in terms. Paradise, for the true believer, is

nothing; God, everything. If a future life is a necessary consequence of the divine justice and bounty, we need not doubt its existence; if not, we have nothing to ask; it does not concern us. What especially concerns us is to know what we ought to do here below, and to have the strength to do it with. "*Life is a meditation, not of death, but of life*," said Spinoza. But in order to live, and live well, one must believe in life, must believe in its healthy and holy significance, believe that it is not mere play, a mere mystification, but that it was given us by the principle of good for the success of good.

The essence of religion, then, is a belief in the goodness of God. A German critic, Feuerbach, said with great effect, that religion consisted in divinizing human attributes. Thus: God is good, means according to him: goodness is divine. God is just, signifies: justice is divine. The boldness of Christianity, its profound, pathetic beauty, its great moral efficacy lie in the fact that it has divinized our miseries; and that, instead of saying, pain is divine, death is divine, it has said: God has suffered, God has died. In a word, according to the same author, God "is the human heart divinized." Nothing could be more true and beautiful, only in another sense than that in which the author takes it. If God himself was not supreme goodness, the heart of man would then contain something divine, and God would not himself be divine! The heart feels that it exceeds all things, but, in order to believe in itself, it must know itself coming from a higher and purer source than it is itself.

"In thinking of such a being (God), man experiences a sentiment which is above all a religious sentiment. Every man, as we come into contact with him, awakens in us a feeling of some kind, according to the qualities we perceive in him, and should not He who possesses all perfections excite in us the strongest of feelings? If we think of the infinite essence of God, if we are thoroughly impressed by his omnipotence, if we remember that the moral law expresses his will, and that he has attached to the fulfillment and violation of this law, rewards and punishments which he distributes with inflexible justice, we must of necessity experience before such greatness emotions of respect and fear. If next we come to consider that this omnipotent being was pleased to

create us, we, whom he had no need of, and that in creating us he heaped upon us benefits of all kinds, that he has given us this universe to enjoy its ever renewed beauties, that he has given us society that our life may become enlarged in that of our fellow-beings, that he has given us reason to think, a heart to love, liberty to act, that same respect and fear will receive additional strength from a still gentler sentiment, namely, that of love. Love, when directed toward feeble and circumscribed beings, inspires us with the desire to do them good: but, in itself, love does not especially consider the advantage of the person beloved: we love a thing, good or beautiful, simply because it is good or beautiful, and without thought of benefiting it; or benefiting ourselves. How much more so when this love is turned to God, as a pure homage to his perfections; when it is the natural outpouring of the soul toward a being infinitely adorable.

"Adoration consists in respect and love. If man, however, sees in God the omnipotent master of heaven and earth only, the source of all justice and the avenger of all wrong, he will, in his weakness, be crushed by the overwhelming weight of God's greatness: he will be living a life of perpetual fear, from the uncertainty of the judgment of God; he will conceive for this world and life, always so full of misery, nothing but hatred. Read Pascal's *Thoughts*. Pascal, in his superb humility, forgets two things: the dignity of man and the goodness of God. If, on the other hand, man only sees in God a kind and indulgent Father, he will run into a chimerical mysticism. In substituting love for fear, there is danger of losing the awe which we should have for him. God is then no longer a master, scarcely a father even; for the idea of father carries with it, in a certain degree, that of a respectful fear: he is nothing more than a friend. True adoration does not sever love from respect: it is respect animated by love.

"Adoration is a universal sentiment; it differs in degrees according to the differences in human nature; it takes the greatest variety of forms; it often does not even know itself; sometimes it betrays itself by a sudden exclamation, a cry from the heart over the grand scenes of nature and life; sometimes it rises silently in the deeply-moved and dumb-stricken soul; it may in its expression mistake its aim; but fundamentally it is always the same. It is a spontaneous and irresistible yearning of the soul, which reason must declare just and legitimate. What more just, in fact, than to fear the judgments of Him who is holiness itself, who knows our actions and our intentions, and who will judge them as it becomes supreme justice? What more just, also, than to love perfect goodness and the source of all love? Adoration is first a natural sentiment: reason makes of it a *duty*." *

* V. Cousin, *Le Vrai, le Beau et le Bien*, XVI^e *leçon*.

These two sentiments, love and respect, may, inasmuch as they relate to God—that is to say, to an infinite being—be resolved into one, which we call *veneration*. Veneration is the respect mixed with love which we feel for our aged parents, for some exalted virtue, for devotion to a suffering country; but it is only through extension we so understand it: its true object, its proper domain, is the divinity; * and if there are other objects to *be revered* and venerated, it is because we detect in them something august and sacred.

It will, perhaps, be said that *sentiments* cannot be erected into *duties*: for how can I force myself to feel what I do not feel? Acts can be commanded, but not sentiments.

This is true; but the acts, in the first place, are nothing without the sentiments, and if piety is not already in the heart, the most pious works will have no virtue. Moreover, if it be true that it is impossible to generate, either in one's self or in others, sentiments, the germs of which do not exist in human nature, it is not true that sentiments in conformity with this nature, and which, whilst we believe them completely absent, may only be dormant, could not be excited, awakened, cultivated, and developed. Now, it is enough to think of divine greatness, to experience a feeling of fear and respect; it is enough to think of divine perfection, to love this perfection, and seek to come nearer to it. Duty here consists, then, in thinking of God, in giving this great thought a part of our life, in uniting it with all the acts of that life: these sentiments will, then, be generated and will expand of themselves.

169. Piety united with all the acts of life: indirect duties toward God.—We have just said that the idea of God can be united with all the acts of life. Every action being the fulfillment of the will of Providence, can be both moral and religious. *He who works, prays*, says the proverb; a life which strives to preserve itself pure and virtuous, is a continuous

* See *Dictionnaire de l'Académie française* (7e edition, 1878): "*Veneration*, respect for holy things. It is also said of the respectful esteem in which certain persons are held."

prayer. In this sense, all our duties are *indirect duties* toward God.

1. *Obedience to God*, manifested by obedience to moral law. I can obey the moral law in two ways: on the one hand, because it is a duty, whatever besides may be the reason of this duty, and next because this duty is in unison with universal order, which is the work of divine wisdom. To fulfill one's duty is, then, to co-operate in some respect with God in the achievement of this order. It is thus that in ancient religions, agriculture was regarded a religious act, because man took therein the part of the creator.

2. *Resignation to the will of Providence.*—Patience is unquestionably a duty in itself. There is a lack of dignity in rebelling against evils which cannot be prevented; but this is as yet a wholly negative virtue. It becomes a religious virtue if we regard the ills of life in the light of trials, and as the condition of a higher good, and expect to voluntarily submit to them as being in the plan of Providence. It is thus the Pythagoreans forbade suicide, saying that it was leaving the post in which God had placed us.

It would, moreover, be interpreting this duty of resignation very falsely to think that it commands us to bear trouble and make no effort to escape it. This were confounding Providence with fatalism. On the contrary, God, having given us free will, not only permits us thereby, but even positively enjoins upon us, to use it in bettering our condition.

3. *Love of God conjoined with the love of man.*—There is no real love of God without love of neighbor; it is a false piety which thinks itself obliged to sacrifice the love of men to the love of God: thence come *fanaticism*, *intolerance*, *persecution*. To believe these to be religious virtues is *impious*. We cannot please God by acts of hatred and cruelty. Thus is the love of God nothing without the love of men.

But it can also be said that the love of men is incomplete if it does not get its sustenance from a higher source, which is the love of God. We can, in fact, love men in two ways:

first, because they are men, because they are like us, because there is between them and us a natural bond of sympathy. But we can also love them because they are, like ourselves, members of the universe of which God is the sovereign ruler, members of a family of which God is the father, because, like ourselves, they reflect some of the attributes of supreme perfection, because they ought, like us, to strive after all perfection. We can then love men religiously, love them in God in some respect. Thus conversely to love men will be loving God.

170. The idea of God in morals.—We have, in a former course of lectures, seen how the moral law is related to God: this law is certainly not dependent on his will alone, but on his holiness and supreme perfection; and it is still further related to him as to a supreme sanction. We have to consider here only the *practical efficacy* of the idea of God—that is to say, the additional strength moral belief receives by a belief in absolute justice and holiness. It is on this condition and from this standpoint that Kant has called the existence of God the *postulate* * of the moral law. The moral law, in fact, supposes the world able to conform to this law; but how are we to believe in such a possibility if this world were the effect of a blind and indifferent necessity? "Since it is our duty," says Kant, "to work toward the realization of the supreme good, it is not only a right, but a necessity flowing from this duty, to suppose the possibility of this supreme good, which good is only possible on the condition of God's existence†. . . —"Suppose, for example," he says elsewhere, "an honest man like Spinoza, firmly convinced that there is no God and no future life. He will, without doubt, fulfill disinterestedly the duty that holy law imposes on his activity; but his efforts will be limited. If here and there he finds in nature accidental co-operation, he can never expect of this co-operation

* A postulate is a truth which, although it cannot be rigorously demonstrated should, nevertheless, by reason of the necessity of its consequences, be practically admitted.

† Kant, *Critique de la raison pratique*, II., ii. Trad. de J. Barni, p. 334.

to be in perfect and constant accordance with the end he feels himself obliged to pursue. Though honest, peaceful, benevolent himself, he will always be surrounded by fraud, violence, envy; in vain do the good people he meets deserve to be happy; nature has no regard for their goodness, and exposes them, like all the rest of earth's animals, to disease and misery, to a premature death, until one vast tomb—the gulf of blind matter from which they issued—swallows them all up again. Thus would this righteous man be obliged to give up as absolutely impossible the end which the law imposed on him; or, if he wished to remain true to the inner voice of his moral destiny, he will, from a practical point of view, be obliged to recognize the existence of a moral cause in the world, namely, God." Thus, according to Kant, is religion, namely, the belief in the existence of God, required, not as a theoretical basis for morality, but as a practical basis. "The righteous man can say: I *will* that there be a God." *

It may be objected that moral law can dispense with outward success; that it does not appear to be essential to the idea of that law; that the wise, as far as their own happiness is concerned, need not consider it, can ignore it. But what they are obliged to consider, and are not allowed to ignore, is the happiness of others, and what is generally understood by progress—the possible improvement of the race. If, as some pessimistic and misanthropic philosophers seem to think, men will never be anything more than monkeys or tigers given to the lowest and most ferocious instincts, do you believe that any man, be he ever so well endowed morally, ever so deeply convinced of the obligation of the law of duty, could, if he believed such a thing, be able to continue doing his duty, a duty followed by no appreciable or perceptible results? The first condition for becoming or remaining virtuous, is to believe in virtue. But to believe in virtue means to believe that virtue is a fact, that it exists in the world, that it can do it good; in other words, it is to believe that the

* *Critique de la raison pratique;* trad. fr., p. 363.

human race was created for good; that nature is capable of being transformed according to the law of good; it is, in short, to believe that the universe obeys a principle of good, and not a principle of evil—an Oromazes, not an Ahrimanes. As to believing in an indifferent being, one that were neither good nor evil, we should not be any better off; it would leave us just as uncertain in regard to the possible success of our efforts, and just as doubtful about the worth of our moral beliefs.

In one word, and to conclude, if God were an illusion, why could not virtue be an illusion also? In order that I may believe in the dignity and excellence of my soul and that of other men, I must believe in a supreme principle of dignity and excellence. Nothing comes from nothing. If there is no being to love me and my fellow-men, why should I be held to love them? If the world is not good, if it was not created for good, if good is not its origin and end, what have I to do here in this world, and what care I for that swarm of ants of which I am a part? Let them get along as well as they can! Why should I take so much trouble to so little purpose? Take any intelligent man, a friend of civil and political liberty, and ready to suffer anything to procure these to his country, as long as he believes the thing possible, both wisdom and virtue will command him to devote himself wholly to it. But let experience prove to him that it is a chimera, that his fellow-citizens are either too great cowards or too vicious to be worthy and capable of the good he wishes to secure to them; suppose he sees all around him nothing but cupidity, servility, unbridled and abominable passions; suppose, finally, that he becomes convinced that liberty among men, or at least among the people he lives with, is an illusion, do you think he could, do you even think he should, continue wasting his faculties in an impossible enterprise? Once more, I can forget myself, and I ought; and I should leave to internal justice or divine goodness the care to watch over my destinies; but that which I cannot forget, that which cannot leave me indifferent, is the

reign of justice on earth. I must be able to say: *Let Thy kingdom come!* How can I co-operate with the Divine Idea if there is no God, who, in creating us for the furthering of his kingdom, made it, at the same time, possible for us? And how am I to believe that out of that great void whereto atheism reduces us, there can come a reign of wills holy and just, bound to each other by the laws of respect and love? Kant, the great stoic, without borrowing from theology, has more strongly than any other, described the necessity of this reign of law; but he fully understood that this abstract and ideal order of things would remain but a pure conception, if there were not conjoined with it what he justly calls "the practical, the moral faith" in the existence of God.

171. Religious rights.—*Religious duties* imply *religious rights:* for if it is a duty to honor the Creator, it is also a right. Even those who do not admit obligations toward God, ought to respect in those who do admit them, their liberty to do so. The right of having a religion, and practicing it, is what is called *liberty of conscience.*

"The first right I claim," says an eloquent writer, "is the right of adopting a free belief touching the nature of God, my duties, my future; it is a wholly interior right, which governs the relations of my will or conscience alone. It is the liberty of conscience in its essence, its first act, its indispensable basis. It is the *liberty to believe*, or *faith.* Free in the innermost of my thought, shall I be confined to a silent worship? Shall I not be allowed to express what I think? Faith is communicative, and will make itself felt by others. I cannot control its expressing itself without doing it violence, without offending God, without rendering myself guilty of ingratitude. I cannot, moreover, worship a God that is not my God. The freedom of belief, without the freedom of prayer—that is to say, without free worship—is only a delusion.

"Now, is prayer sufficient? Does this solitary expression of my faith, my love, my ignorance, suffice the wants of my heart and my duties toward God? Yes, if man were made to

live alone; but not if he has brethren. I am a social being; I have duties toward society as well as toward God; my creed commands me to teach as well as to pray. My voice must be heard, and I must, following my destiny, and according to the measure of my powers, carry along with me all those who are inclined to follow me. This is the liberty of promulgating one's creed, or, in other words, the *liberty of propagandism.*

"Worship, then, means to believe, to pray, to teach. But, can I consider myself a free believer, if praying in public be denied me; if by praying, and teaching, and confessing my doctrine, I risk the loss of my rights as man and citizen? There are other means for checking public worship and apostleship than burning at the stake. It is obvious that, in order no injustice be done to my particular creed, I should risk nothing by it; that I be not deprived of any of my civil or political rights. All this is included in the term *liberty* of *conscience:* it is at the same time the right to believe, the right to pray, and the right to exercise this triple liberty without having to suffer any diminution in one's dignity as man and citizen." *

172. Religious society. — Religious duties and rights give rise to what may be called religious society. Fénélon has magnificently described the ideal religious society where all would form but one family united by the love of God and men.

"Do we not see," he says, "that the external worship follows necessarily the internal worship of love? Give me a society of men who, while on earth, would look upon each other as members of one and the same family, whose Father is in heaven; give me men whose life was sunk in this love for their heavenly Father, men who loved their fellow-men and themselves only through love for Him; who were but one heart, one soul: will not in so godly a society the mouth always speak from the abundance of the heart? They will sing the praises of

* Jules Simon, *La Liberté de Conscience*, 4e leçon (Paris, 1857).—We have borrowed some few passages of another book of the same author, *La Liberté* (Vol. ii., 4e, part 1, ch. 1).

the Most High, the Most Good spontaneously ; they will bless Him for all His bounties. They will not be content to love Him merely, they will proclaim this love to all the nations of the world ; they will wish to correct and admonish their brethren when they see them tempted through pride and low passions to forsake the Well-Beloved. They will lament the least cooling of that love. They will cross the seas, go to the uttermost parts of the earth, to teach the benighted nations who have forgotten His greatness the knowledge and love of their common Father. What do you call external worship if this be not it? God then would be *all in all;* He would be the universal king, father, friend ; He would be the living law of all hearts. Truly, if a mortal king or head of a family wins by his wisdom the esteem and confidence of his children, if we see them at all times pay him the honors due him, need we ask wherein consists his service, or whether any is due him? All that is done in his honor, in obedience to him, in recognition of his bounties, is a continuous worship, obvious to all eyes. What would it be then if men were possessed with the love of God! Their society would be in a state of continuous worship, like that described to us of the blessed in heaven." *

The great ancient moralist, Epictetus, has as superbly as Fénélon expressed the same sentiments :

"If we had any understanding," he says, "ought we not, both in public and in private, incessantly to sing and praise the Deity, and rehearse His benefits? Ought we not, whether we dig, or plough, or eat, to sing this hymn to God? Great is God, who has supplied us with these instruments to till the ground ; great is God, who has given us hands and organs of digestion ; who has given us to grow insensibly, to breathe in sleep. These things we ought forever to celebrate, and to make it the theme of the greatest and divinest hymn that He has given us the power to appreciate these gifts, and to use them well. But because the most of you are blind and insensible there must be some one to fill this station, and lead in behalf of all men the hymn to God ; for what else can I do, a lame old man, but sing hymns to God? Were I a nightingale, I would act the part of a nightingale ; were I a swan, the part of a swan. But since I am a reasonable creature it is my duty to praise God. This is my business. I do it. Nor will I ever desert this post, so long as it is permitted me ; and I call on you to join in the same song." †

* Fénélon. *Lettres sur la métaphysique et la religion.* Letter II., ch. i.

† The works of Epictetus. T. W. Higginson's transl., I., xvi.

CHAPTER XVI.

MORAL MEDICINE AND GYMNASTICS.

SUMMARY.

Means and end.—Moral science should not only point out the *end*; it should also indicate the *means* of attaining that end.

There is, as of the body, a culture of the soul: as, in medicine, we distinguish between *temperaments*, *diseases* and their *treatments*, so do we distinguish in morals, *characters*, *passions*, and *remedies*.

Of character.—Character as compared with temperament: four principal types.

Character at different ages: childhood, youth, manhood, and old age.

Passions.—Passions may in one respect be considered as *natural affections*; but in a moral point of view they should be considered as *diseases*.

The law of passions considered from this last standpoint. Enumeration and analysis of these various passions.

Culture of the soul, or moral treatment.—On the government of passions.—Bossuet's advice: not directly to combat the passions, but to turn them off into other channels.

Of the formation of character.—Rules of Malebranche: 1, acts produce habits, and habits produce acts; 2, one can always act against a ruling habit.

How is one habit to be substituted for another?—Aristotle's rule: To go from one extreme to the other.—Bacon's rules: 1, to proceed by degrees; 2, to choose for a new virtue two kinds of opportunities: the first when one is best disposed, the second when one is least so; 3, not to trust too much to one's conversion and distrust opportunities.

Benjamin Franklin's Almanac.—Other practices.—Kant's moral catechism.

We have done with *practical* morals, the morals, namely, which have for their object the setting forth of man's duties and

the principal applications of the moral law. The second part of this course of study shall be devoted to the *theory* of morals, which has for its object the elucidation of principles. But to pass from the one to the other, it seemed to us proper, by way of conclusion, to introduce here an order of researches which belongs to both practical and theoretical morals, the study, namely, of the means man has at his disposal in his moral self-perfection, either by curing himself of vice, or in advancing in virtue: this is what we call *moral medicine and gymnastics.*

Bacon justly remarks that most moralists are like writing-masters who lay fine copies before their pupils, but tell them nothing of the manner of using the pen and tracing characters. Thus do the philosophers set before us very fine and magnificent models, very faithful and noble pictures of goodness and virtue, of duties, of happiness; but they teach us nothing about the means of attaining to such perfection. They make us acquainted with the *end*, and not with the *road* that leads to it.*

Then, presenting us himself a sketch of that portion of morality which does not confine itself to precepts only, but to instructions also, and which he calls the *Georgics of the soul* (science of the culture and the soul), he tells us that it should be like medicine which considers first the *constitution* of the patient, then the *disease*, then the *treatment.* The same in regard to the soul: there are moral temperaments as there are physical temperaments: these are the *characters;* moral diseases as there are physical diseases; these are the *passions;* and finally there is a moral *treatment* as there is a physical treatment, and it is the treatment of morality to indicate this treatment. Now, one cannot treat a disease without knowing it and without being acquainted with the temperament and constitution of the patient. "A coat cannot be fitted on a body without the tailor's taking first the measure of him for whom he makes it." Hence, it follows that before deciding

* *De Augmentis Scientiarum*, III., i. and iii.

on a remedy, one must acquaint himself with the characters and passions.

173. Of character.—The study of character is hardly susceptible of a methodical classification. Passions, manners, habits are so complicated and so intermixed in individuals that they afford scarcely a chance to faithfully describe them, and this subject, though very fertile, is more of the province of literature than of science. Theophrastus among the ancients, and La Bruyère among the moderns, have excelled in this kind of description; but it would be very difficult to analyze their works, as they have nothing didactic: they are better suited for reading. Theophrastus describes dissemblers, flatterers, intruders, rustics, parasites, babblers, the superstitious, misers, the proud, slanderers, etc. All these are unquestionably principal types of human character, but they cannot be strictly brought down to a few elementary types. La Bruyère is still further removed; he does not only treat character, but manners also; he describes individuals rather than men in general, or it is always in the individual that he sees the man. Hence the charm and piquancy of his pictures; but moral science finds scarcely anything to borrow from him.

Kant tried to give a theory of character, and he started with the same idea as Bacon, namely, the analogy between characters and temperaments; thus did he confine himself to taking up again the old physiological theory of temperaments and apply it to the moral man. He distinguishes two kinds of temperaments: temperaments of *sentiment*, and temperaments of *activity;* and in each of these two kinds, two degrees or two different shades: exaltation or abatement. Hence, four different kinds of temperaments: the sanguine and the melancholy (temperament of sentiment), the choleric and phlegmatic (temperament of activity). Kant describes these four temperaments or characters as follows:*

"The *sanguine* disposition may be recognized by the following indications: The sanguine man is free from care and

* Kant, *Anthropologie*. Trad. franc. de Tissot, p. 27.

of good hope; he gives to things at one moment undue importance; at another, he can no longer think of them. He is splendid in his promises, but does not keep them, because he has not sufficiently reflected whether he will be able to keep them or not. He is well enough disposed to help others, but is a poor debtor and always asks for delays. He is good company, cheerful, lively, takes things easily, and is everybody's friend. He is not usually a bad person, but a confirmed sinner, hard to convert, and who, though he will repent, will never allow this repentance to turn into grief: it is soon again forgotten. He is easily tired by work; yet is he constantly occupied, and that, for the reason that his work being but play, it proves a change which suits him, as perseverance is not in his nature.

"The *melancholy* man gives to everything concerning him a vast importance; the least trifles give him anxiety, and his whole attention is fixed upon the difficulties of things. Contrary to the sanguine, always hopeful of success, but a superficial thinker, the melancholy is a profound thinker. He is not hasty in his promises because he intends keeping them, and he considers carefully whether he will be able to do so. He distrusts and takes thought of things which the sanguine passes carelessly by; he is no philanthropist, for the reason that he who denies himself pleasure is rarely inclined to wish it to others.

"The *choleric* man is easily excited and as easily appeased; he flares up like a straw fire; but submission soon softens him down; he is then irritable without hatred, and loves him who readily gives up to him, all the more ardently. He is prompt in his actions, but his activity does not last long; he is never idle, yet not industrious. His ruling passion is honors; he likes to meddle with public affairs, to hear himself praised; he is for show and ceremonial. He is fond of playing the part of a protector and to appear generous; but not from a feeling of affection, but of pride, for he loves himself much more than he loves others. He is passionately given to money

making; in society he is a ceremonious courtier, stiff, and ill at ease, and ready to accept any flatterer to serve him as a shield; in a word, the choleric temperament is the least happy of all because it is the one that meets with most opposition.

"The *phlegmatic* temper. Phlegm means absence of emotion. The phlegmatic man to whom nature has given a certain quantum of reason, resembles the man who acts on principle, although he owes this disposition to instinct only. His happy temperament stands to him in lieu of wisdom, and often in ordinary life he is called a philosopher. Sometimes even he is thought cunning, because all abuse launched at him bounces back again, as a ball from a sack of wool. He makes a pretty good husband, and, whilst pretending to do every one's will, he governs both wife and servants as he likes, for he knows how to bring their wishes in agreement with his own indomitable but thoughtful will."

There are then, according to Kant, four essentially distinct characters: the *sanguine*, playful, kindly, superficial; the *melancholy*, profound, sad, egotistical; the *choleric*, ardent, passionate, ambitious, covetous; the *phlegmatic*, cold, moderate, inflexible.

Kant denies that these four kinds of temperaments can combine with each other; "there are but four in all," he says, "and each of them is complete in itself." It seems to us, on the contrary, that experience shows that no one of these characters exists separately in an absolute manner; there is always to some degree a mixture, and different men are generally distinguished by the leading feature in their character.

We must, however, make a distinction between *disposition* and *character*. To be of such or such a disposition is not always being a man *of character*. The first of these two expressions signifies the various aptitudes, inclinations, or habits which distinguish a man from others; the second signifies that strength of will, that empire over himself which enables a man to follow faithfully the line of conduct he has chosen, and to bravely resist temptations. Character is not always

virtue (for it may be controlled by false and vicious principles), but it is its condition.

"That tendency of the will which acts according to fixed principles (and does not move from this to that, like a fly) is something truly estimable, and which deserves all the more admiration as it is extremely rare. The question here is not of what nature makes of man, but of what man makes of himself. Talent has a *venal value* which allows making use of the man therewith endowed; temperament has an affection-value which makes of him an agreeable companion and pleasant talker; but character has a *value* which places him above all these things." *

174. Age.—To this classification of characters according to temperaments, may be added that founded on age. In fact, different ages have, as it is well known, very different characteristics. Aristotle † was the first to describe the differences in men's morals according to their ages, and he has since been very often imitated.

"I. *The young.*—The young are in their dispositions prone to desire, and of a character to effect what they desire. And they desire with earnestness, but speedily cease to desire; for their wishes are keen, without being durable; just like the hunger and thirst of the sick. And they are passionate and irritable, and of a temperament to follow the impulse. And they cannot overcome their anger; for by reason of their ambition, they do not endure a slight, but become indignant, and fancy themselves injured; and they are ambitious indeed of honor, but more so of victory; for youth is desirous of superiority, and victory is a sort of superiority. And they are credulous, from their never having yet been much imposed on. And they are sanguine in their expectations; for, like those who are affected by wine, so the young are warmed by their nature; and at the same time from their having never

* Kant gives ingenious examples of these three degrees of action. See his *Anthropologische charakteristik.*

† Aristotle's *Rhetoric*, book II., ch. xii., xiii., xiv., Bohn's translation.

yet met with many repulses. Their life too, for the most part, is one of hope; for hope is of that which is yet to be, while memory is of that which is passed: but to the young, that which is yet to be is long; but that which has passed is short. And they are brave rather to an excess; for they are irritable and sanguine, qualities, the one whereof cancels fear, and the other inspires courage; for while no one who is affected by anger ever is afraid, the being in hope of some good is a thing to give courage. And they are bashful; for they do not as yet conceive the honorable to be anything distinct; and they are high-minded; for they have not as yet been humbled by the course of life, but are inexperienced in peremptory circumstances; again, high-mindedness is the deeming one's self worthy of much; and this belongs to persons of sanguine expectations. And they prefer succeeding in an honorable sense rather than in points of expediency; for they live more in conformity to moral feeling than to mere calculations; and calculation is of the expedient, moral excellence, however, of that which is honorable. Again, they are fond of friends and companions, by reason of their delighting in social intercourse. And all their errors are on the side of excess; for their friendships are in excess, their hatreds are in excess, and they do everything else with the same degree of earnestness; they think also that they know everything, and firmly asseverate that they do; for this is the cause of their pushing everything to an excess. They are likewise prone to pity; and they are also fond of mirth, on which account they are also of a facetious turn."

"II. *The old.*—Those who are advanced in life are of dispositions in most points the very opposite of those of the young. Since by reason of their having lived many years, and having been deceived in the greater number of instances, and having come to the conclusion, too, that the majority of human affairs are but worthless, they do not positively asseverate anything, and err in everything more on the side of defect than they ought. And they always '*suppose*' but

never '*know*' certainly; and questioning everything, they always subjoin a '*perhaps*,' or a '*possibly*.' Moreover, they are apt to be suspicious from distrust, and they are distrustful from their experience. And they are pusillanimous from their having been humbled by the course of life; for they raise their desires to nothing great or vast, but to things only which conduce to support of life. And they are timid and apprehensive of everything; for their disposition is the reverse of that of the young; for they have been chilled by years; and yet they are attached to life, and particularly at its closing day. [They are apt to despond.] And they live more in memory than in hope; for the remnant of life is brief, and what has passed is considerable. And their desires have, some, abandoned them, the others are faint. They are neither facetious nor fond of mirth.

"III. *Mature age.*—Those who are in their prime will, it is evident, be in a mean in point of disposition between the young and the old, subtracting the excesses of each: being neither rash in too great a degree, nor too much given to fear, but keeping themselves right in respect to both. And they are of a tempering coolness joined with spirit, and are spirited not without temperate coolness. And thus, in a word, whatever advantages youth and age have divided between them, the middle age possesses both."

We must admit that Aristotle, who has so admirably depicted young and old men, is weak on the subject of manhood. Boileau, translating Horace, makes of it a far more clear and exact picture:

"Manhood, more ripe, puts on a wiser look, succeeds with those in power, intrigues, and spares itself, thinks of holding its own against the blows of fate, and far on in the *now* looks forth to the *to be*."

175. Passions.—Character, considered from a strictly philosophical standpoint, is nothing more than the various combinations which the passions, whether natural or acquired, which exist in man, form in each individual, so that

there is, in some respect, double reason for treating these two subjects separately. But, in the first place, the divers movements of the soul take, by usage, the name of passions, only when they reach a certain degree of acuteness, and, as Bacon puts it, of disease. In the second, passions are the elements which in divers quantities and proportions compose what is termed character; it is from this double point of view that we must speak of them separately.

If we consider the passions from a psychological* standpoint, we shall find that they are nothing more than the natural inclinations of the human heart.

We have to consider them here especially from a *pathological* point of view (if it may be permitted to say so), that is, as diseases of the human heart.

The character of passions regarded as diseases, is the following:

1. They are *exclusive*. A man who has become enslaved by a passion, will know nothing else, will listen to nothing else; he will sacrifice to that passion not only his reason and his duty, but his other inclinations, and even his other passions also. The passion of gambling or of drinking will stifle all the rest, ambition, love, even the instinct of self-preservation.

2. Passion, as a disease, is in a *violent* condition; it is impetuous, disordered, very like insanity.

3. Although there may be fits of passion, sudden and fleeting, which rise and fall again in the same instant, we generally give the name of passions only to movements which have become *habitual*. Passions then are habits; applied to things base, they become *vices*.

4. There is a diagnosis† of passions as there is of diseases. They betray themselves outwardly by external signs which are their symptoms (acts, gestures, physiognomy), and in-

* Psychology is the science which treats of the faculties and operations of the soul.

† Diagnosis in medicine is the art of determining a disease by means of the symptoms or signs it presents.

wardly, by first indications or what was formerly called *prodromes*, which are their forerunners (disturbance, agitation, etc.).

5. Passion, like disease, has its history: it has its regular course, its crisis, and termination. The *Imitation of Jesus Christ* gives in a few words the history of a passion: "In the beginning a simple *thought* presents itself to the mind; this is followed by a vivid *fancy;* then comes *delectation*, a bad *impulse*, and finally the *consent*. Thus does the evil one gradually enter the soul." *

6. It is rare that a passion arises and develops without obstacles and resistance. Hence that state we have called *fluctuation* (Vol. I., p. 167), and which has so often been compared to the ebb and flow of the sea.

These general features of the passions being stated, let us make a brief sketch of the principal passions.

It may be said that our passions pass through three distinct states; they are at first natural and unavoidable affections of the mind: *inclinations*, *tendencies;* they become next violent and unruly movements: these are the passions properly so-called; they become habits and embodied in the character, and take the name of *qualities* and *defects*, *virtues* and *vices*. But it is to be noted that whilst we can always distinguish these three states theoretically, language is, for the most part, inadequate to express them; for men have designated these moral states only according to the necessities of practice, and not according to the rules of theory.

The three states which we have just pointed out, can be very clearly distinguished in the first of the affections of human nature, namely, the *instinct of self-preservation*. This instinct is at first a natural, legitimate, necessary affection of the human heart; but by the force of circumstances, the influence of age, disease, temperament, it develops out of proportion into a state of passion, and becomes what we call *fear;* or else it turns into a habit and becomes the vice we call *cowardice*.

* *Imitation of Jesus Christ*, I., xii.

Physical self-preservation is inseparable from two *appetites* called hunger and thirst. These two appetites, too much indulged in, become passions, which themselves may become vices. But language fails here to express their various shades: there is only one word to express the passion or vice related to eating and drinking: it is on the one hand *gluttony*, and on the other *drunkenness*;* both these vices, and in general all undue surrender to sensual pleasures, is called *intemperance*.

The source of all our personal inclinations is the love for ourselves or *self-love*, a legitimate instinct when kept within bounds; but when carried to excess, when exclusive and predominant, it becomes the vice we call *selfishness*.

Self-esteem, developed into a passion, becomes, when it turns upon great things, *false pride*; when upon small, *vanity*.

The love of liberty degenerates into a *spirit of revolt*; the legitimate love of power, into *ambition*; *the instinct of property* becomes *greed*, *cupidity*, *passion for gain*, and tends to run into the *passion for gambling* or the desire to gain by means of chance. The desire for gain engenders the *fear of loss*, and this latter passion developing into a vice and mania, becomes *avarice*.

Human inclinations are divided into *benevolent* and *malevolent* inclinations. The first may develop into a passion, but not into a vice; the second alone become vices.

There is not a single benevolent inclination which, carried too far and beyond reason, may not become a more or less blameworthy passion. But, in the first place, we have no terms in our language to express the exaggerations of these kinds of passions,† and in the second, though they be exaggerations, we shall never call the tenderer affections of the human heart, however foolish they may be, vices, if they are sincere.

* We should, however, make a distinction between the passion for wine and drunkenness. One can have this passion without giving up to it. Drunkenness is the habit of yielding to it.

† *Sentimentality* is false sensibility, and not exaggerated sensibility. *Softness* is a vague expression. Patriotism may by exaggeration become *fanaticism*; but this is equally true of other sentiments—of the religious sentiment, for example.

Yet, may some of these affections become vices when they unite with personal passion. For example, good nature or the desire to please may lead to *obsequious servility*, the desire to praise, to *flattery*, and esteem, to *hypocrisy*. But these vices partake more of the nature of self-love than of benevolent inclinations.

Malevolent passions.—Malevolent inclinations give rise to the most terrible passions. But are there, indeed, in man naturally malevolent inclinations? Reid, the philosopher, disputes it and justly thinks, as we do, that malevolent passions are but the abuse of certain personal inclinations intended to serve as auxiliaries in the development of our activity. There are two principal malevolent passions, *emulation* and *anger*.

Emulation is but a special desire for success and superiority. This desire, induced by the thought that other men around us have attained to such or such degree of public esteem or power, is not in itself a malevolent inclination. We may wish to equal and surpass others without, at the same time, wishing them any harm. We can experience pleasure in excelling them, without exactly rejoicing in their defeat; we can bear being excelled by them without begrudging them their success.

Emulation then is a personal but not a malevolent sentiment; it becomes malevolent and vicious when our feelings toward others become inverted: when, for example, we regret, not the check we have been made to suffer, but the advantage our rivals have gained over us, and when we are unable to bear the idea of the good fortune of others; or again when, conversely, we experience more pleasure at their defeat than joy at our own victory. This sentiment, thus perverted, becomes what is called *envy:* and envy is generally the pain we feel at the good fortune of others; it is then a sentiment implying the wish to see others unhappy; and is therefore an actual vice, as low as it is odious.

Envy which has some analogy with *jealousy* must be dis-

tinguished from the latter. Jealousy is a kind of envy which bears especially upon affections it is not allowed to share; envy, upon material goods, or goods in the abstract (fortune, honors, power). The envious man wants goods he does not possess; the jealous man refuses to share those which he has. Jealousy is then a sort of selfishness, not as base as envy, since higher goods are in question, but which for its consequences is nevertheless one of the most terrible of passions.

Anger is a natural passion, which seems to have been bestowed on us to furnish us an arm against peril; it is an effort the soul makes to resist an evil it stands in danger of. But this inclination is one of those which cause us the quickest to lose our self-possession, and throws us into a sort of momentary insanity. Yet, although it is a passion of which the consequences may be fatal, it is not necessarily accompanied by hatred (as may be seen by the soldier who will fight furiously and who, immediately after the battle or during a truce, will shake hands with his enemy). Anger then is an effort of nature in the act of self-defense; it is a fever, and as such it is a fatal and culpable passion, but it is not a vice.

Anger becomes *hatred* when, thinking of the harm we have done or could do to our enemy, we rejoice over the thought of this harm; it is called *resentment* or *rancor* when it is the spiteful recollection of an injury received; finally, it becomes the *passion of vengeance* (the most criminal of all) when it is the desire and hope to return evil for evil. Pleasure at the misfortune of others, when it reaches a certain refinement, even though free from hatred, becomes *cruelty*.

Hatred changes into *contempt* when there is joined to it the idea of the baseness and inferiority of the person who is hated. Contempt is a legitimate sentiment when it has for its object base and culpable actions; it is a bad and blameworthy passion when it bears upon a pretended inferiority, either of birth, or fortune, or talent, and then belongs to false pride. False pride, however, is not always accompanied by contempt. We see men full of self-satisfaction, who yet

know how to be polite and courteous toward those they regard their inferiors; others, on the contrary, who look down upon their inferiors and treat them like brutes. Contempt, with such, is added to false pride. A gentler form of contempt is *disdain*, a sort of delicate and covered contempt. Contempt when it applies itself to set off, not the vices, but the peculiarities of men, trying to make them appear ridiculous, becomes *raillery* or *irony*.

Such are the principal affections of the soul viewed as diseases, that is to say, inasmuch as they have need of remedies.

Let us now, to continue Bacon's comparison, pass to their *treatment*.

176. Culture of the soul.—After having studied characters and passions, we have to ask ourselves by what means passions may be governed and characters modified or corrected.

177. Bossuet's rule.—As to the first point, namely, the government of the passions, Bossuet gives us in his *Connaissance de Dieu et de soi-même*,* excellent practical advice: it is obviously based on his study of consciences.

He justly observes that we cannot directly control our passions: "We cannot," he says, "start or appease our anger as we can move an arm or keep it still." But, on the other hand, the power we exercise over our external members gives us also a very great one over our passions. It is, of course, but an indirect power, but it is no less efficacious: "Thus can I put away from me a disagreeable and irritating object, and when my anger is excited, I can refuse it the arm it needs to satisfy itself."

To do this it is necessary to will it; but there is nothing so difficult as to will when the soul is possessed by a passion. The question is then to know how one may escape a ruling passion. To succeed in it one should not attack it in front, but as much as possible turn the mind upon other objects: it is with passion "as with a river which is more easily turned

* Chap. III., 19.

off from its course than stopped short." A passion is often conquered by means of another passion, "as in a State," says Bacon, "where a prince restrains one faction by means of another." Bossuet says even that it may be well, in order to avoid criminal passions, to abandon one's self to innocent ones.* One should also be careful in the choice of the persons he associates with: "for nothing more arouses the passions than the talk and actions of passionate men; whilst a quiet mind, provided its repose be not feelingless and insipid, seems, on the contrary, to communicate to us its own peace. We need something lively that may accord with our own feelings.

In a word, to conclude with Bossuet, "we should try to calm excited minds by diverting them from the main object of their excitement; approach them obliquely rather than directly in front; that is to say, that when a passion is already excited, there is no time then to attack it by reasoning, for one drives it all the stronger in. Where wise reflections are of greatest effect is in the forestalling of passions. One should therefore fill his mind with sensible thoughts, and accustom it early to proper inclinations, so that there be no room for the objects of passions."

178. Improvement of character.—Bossuet has just informed us how we are to conduct ourselves in regard to the passions, as diseases of the soul. Let us now see how character, namely, temperament, may be modified.

* Plato in the Phædo (trad. de Saisset, p. 31) seems to condemn the idea of combating passion by passion: "To exchange one sensual pleasure for another," he says, "one grief for another, one fear for another, and to do like those who get small change for a piece of money, is not the path which leads to virtue. Wisdom is the only true coin against which all the others should be exchanged. . . . Without wisdom all other virtues are but shadows of virtues, a virtue the slave of vice, wherein there is nothing wholesome nor true. True virtue is free from all passion." Nothing more true and more noble; but there is in this doctrine nothing contrary to that of Bossuet. The question is not to exchange one passion for another, for such an act is devoid of all moral character, but to exchange passion against wisdom and virtue; and all we want to know is the means. Now experience confirms what Bossuet has said, namely, that one cannot immediately triumph over a passion, especially when at its zenith, and that it is necessary to turn one's thoughts upon other objects and appeal to more innocent passions or to passions, if not less ardent, at least more noble, such as patriotism or the religious sentiment.

The character is a collection of habits, a great part of which belong, unquestionably, to our natural inclinations, but which, nevertheless, are also largely formed under the influence of education, circumstances, indulgence of passions, etc. It is thus character, "this second nature," as it has often been called, gradually develops.

Character being, as we have seen above, a habit, and virtue, on the other hand, being also a habit, the problem which presents itself to him who wishes to improve his character and exchange his vices for virtues, is to know how one habit may be substituted for another, and how even a painful habit may be substituted for an agreeable habit, sometimes for a habit which has lost its charm, but not yet its empire over one.

This problem may be found analyzed and most pathetically described in the *Confessions* of St. Augustine:

"I was," he tells us, "like those who wish to get awake, but who, overcome by sleep, fall back into slumber. There is certainly no one who would wish to sleep always, and who would not rather, if he is healthy of mind, prefer the waking to the sleeping state; and yet there is nothing more difficult than to shake off the languor which weighs our limbs down; and often, though the hour for waking has come, we are against our will made captives by the sweetness of sleep. . . I was held back by the frivolous pleasures and foolish vanities which I had found in the company of my former friends: they hung on the vestures of my flesh, whispering, 'Art thou going to abandon us?' . . . If, on the one hand, virtue attracted and persuaded me, pleasure on the other captivated and enslaved me. . . I had no other answer for the former, than: 'Presently, presently, wait a little.' But this 'presently' had no end and this 'wait a little' was indefinitely prolonged, Wretch that I am! who will deliver me from the body of this death?" *

At so painful a juncture, the Christian religion offers its children an all-powerful and efficacious remedy: this is what it calls *grace*. But of this means moral philosophy cannot dispose; all it can do is to find in the study of human nature the exclusively natural means God has endowed it with, to elevate man to virtue. Now, these means, limited though

* *Confessions*, VIII., v.

they be, should not be considered inefficient, since for many centuries they sufficed the greatest men and sages of antiquity.*

179. Rules of Malebranche and Aristotle. —We may take for a starting point this maxim of Malebranche, which he borrowed from Aristotle : *Acts produce habits, and habits produce acts.*† A habit, in fact, is induced by a certain number of often repeated actions ; and once generated, it produces in its turn acts, so to say, spontaneous and without any effort of the will. Thence spring vices and virtues ; and the problem is to know how the first may be corrected, and the second retained : for the question is not only to pass from evil to good, but we should also take care not to slide from good into evil.

If the first maxim of Malebranche were absolute, it would follow that the soul could not change its habits, nor the bad man improve, nor the good become corrupt ; it would follow that hope would be interdicted to the one, and that the other would have nothing more to fear; consequences which experience shows to be entirely false. Some fanatical sects may have believed that virtue or holiness once attained could never again be lost,‡ and this belief served as a shield to the most shameful disorders. Facts, on the contrary, teach us that there is no virtue so infallible as to be secure against a fall, and no vice ever so deeply rooted that may not be less-

* The virtues of the pagans have been often depreciated, and St. Augustine himself, great an admirer as he was of antiquity, called them, nevertheless, *splendid vices (vitia splendida)*. They are often regarded as induced by pride rather than by a sincere love of virtue. We should beware of such interpretations, for once on the road of moral pessimism, there is no reason for stopping at anything. We may as well maintain that there are a thousand forms of pride, and that self-love often sets its glory in pretending to overcome itself. "We must therefore not wonder to find it coupled with the greatest austerity, and, in order to destroy itself, make us bravely a companion of it, for whilst it ruins itself in one place, it starts up again in another." It may be seen by this passage of La Rochefoucauld, that it is of no use to interpret the pagan virtues in a bad sense, for the argument can be retorted. It is better to regard virtue as sincere and true wherever we meet with it, so long as there are no proofs to the contrary.

† *Traité de morale*, III., 2.

‡ The theory of *inadmissible sanctity* consisted in maintaining that man, having reached a state of sanctity, could never again, whatever he might do, fall from it.

ened or destroyed. In fact, and this is Malebranche's second maxim: *One can always act against a ruling habit.* If one can act contrary to a positive habit, such acts often repeated may, according to the first maxim, produce, by the effort of the will, a new habit which will take the place of the preceding one. One can thus either corrupt or correct one's self. Only, as the virtuous habits are the more painful to acquire, and the vicious habits the more agreeable, it will always be more easy to pass from good to evil than from evil to good.

How shall we proceed to substitute a good habit for a bad one? Aristotle says that when we have a defect to get rid of, we should throw ourselves into the opposite extreme, so that after having removed ourselves with all our might from the dreaded fault we may in some respects, and through natural elasticity, return to the just medium indicated by reason, just as a bent wand straightens itself again when let go. This maxim may do in certain cases and with certain characters, but it would have to be applied cautiously. One may, under the influence of enthusiasm, throw himself into a violent extreme, and remain there for some time; but at the moment of reaction it is not impossible that, instead of stopping at the desired medium, he may fall back into the first extreme again.

180. Rules of Bacon and Leibnitz.—Bacon,* who did not find Aristotle's maxim sufficient, tries to complete it by a few additional ones:

1. One should beware of beginning with too difficult tasks, and should proportion them to his strength—in a word, *proceed by degrees.* For example, he who wishes to correct himself of his laziness, should not at once impose too great a work upon himself, but he should every day work a little longer than the day before, until the habit is formed.

In order to render these exercises less painful, it is permitted to employ some auxiliary means, like some one learn-

* *The Dignity of Sciences*, VII., iii.

ing to swim will use bladders or willow supports. After a little while the difficulties will be purposely increased, like dancers who, to acquire agility, practice at first with very heavy shoes.

"There is to be observed," adds Bacon, "that there are certain vices (and drunkenness is one of them) where it is dangerous to proceed by degrees only, and where it is better to cut short at once and in an absolute manner.

2. The second maxim, where the question is of acquiring a new virtue, is to choose for it two different opportunities: the first when one feels best disposed toward the kind of actions he may have in view; the second, when as ill disposed as possible, so as to take advantage of the first opportunity to make considerable headway, and of the second, to exercise the energy of the will. This second rule is an excellent one, and truly efficacious.

3. A third rule is, when one has conquered, or thinks he has conquered, his temperament, not to trust it too much. It were well to remember here the old maxim: "*Drive away temperament,*" etc., and remember Æsop's cat, which, metamorphosed into a woman, behaved very well at table until it espied a mouse.

Leibnitz also gives us some good advice as to practical prudence, to teach us to triumph over ourselves, and expounds in his own way the same ideas as Bossuet and Bacon:

"When a man is in a good state of mind he should lay down for himself laws and rules for the future, and strictly adhere to them; he should, according to the nature of the thing, either suddenly or gradually turn his back upon all occasions liable to degrade him. A journey undertaken on purpose by a lover will cure him of his love; a sudden retreat will relieve us of bad company. Francis Borgia, general of the Jesuits, who was finally canonized, being accustomed to drink freely whilst yet a man of the world, when he began to withdraw from it gradually reduced his

allowance to the smallest amount by dropping every day a piece of wax into the bowl he was in the habit of emptying. *To dangerous likings* one must oppose more innocent likings, such as agriculture, gardening, etc.; one must shun idleness; make collections of natural history or art objects; engage in scientific experiments and investigations; one must make himself some indispensable occupation, or, in default of such, engage in useful or agreeable conversation or reading. In a word, one should take advantage of all good impulses toward forming strong resolutions, as if they were the voice of God calling us.*

181. Franklin's Almanac.—To these maxims concerning the formation and perfecting of character, may fittingly be added the moral method which Benjamin Franklin adopted for his own improvement in virtue. He had made a list of the qualities which he wished to acquire and develop within himself, and had reduced them to thirteen principal ones. This classification, which has no scientific value, appeared to him entirely sufficient for the end he had in view. These thirteen virtues are the following: temperance, silence, order, resolution, frugality, industry, sincerity, justice, moderation, cleanliness, tranquillity, chastity, humility.

This catalogue, once drawn up, Franklin, reflecting that it would be difficult to fight at the same time thirteen defects and keep his mind on thirteen virtues, had an idea similar to that of Horatius in his combat with the Curiatii: he resolved to fight his enemies one by one; he applied to morality the well-known principle of politicians: "*Divide if thou wilt rule.*"

"I made a little book," he says, "in which I allotted a page for each of the virtues. I ruled each page with red ink, so as to have seven columns, one for each day of the week, marking each column with a letter for the day. I crossed these columns with thirteen red lines, marking the beginning of each line with the first letter of one of the virtues; on which

* Essays on the Human Understanding, II., xxi.

line, and in its proper column, I might mark, by a little black spot, every fault I found upon examination to have been committed respecting that virtue upon that day.

"I determined to give a week's strict attention to each of the virtues successively. Thus, in the first week, my great guard was to avoid even the least offense against *temperance;* leaving the other virtues to their ordinary chance, only marking every evening the faults of the day. Thus, if in the first week I could keep my first line, marked T, clear of spots, I supposed the habit of that virtue so much strengthened, and its opposite weakened, that I might venture extending my attention to include the next, and for the following week keep both lines clear of spots. Proceeding thus to the last, I could get through a course complete in thirteen weeks, and four courses in a year. And, like him, who, having a garden to weed, does not attempt to eradicate all the bad herbs at once, which would exceed his reach and his strength, but works on one of the beds at a time, and, having accomplished the first, proceeds to a second; so I should have, I hoped, the encouraging pleasure of seeing on my pages the progress made in virtue, by clearing successively my lines of their spots; till, in the end, by a number of courses, I should be happy in viewing a clean book, after a thirteen weeks' daily examination."

182. Maxim of Epictetus.—The wise Epictetus gives us the same advice as Franklin: "If you would not be of an angry temper," he says, "then do not feed the habit. Be quiet at first, then count the days where you have not been angry. You will say: 'I used to be angry every day; now every other day; then every third or fourth day, and if you miss it so long as thirty days, offer a sacrifice to God." * He said, moreover: "If you will practice self-control, take, when it is warm and you are thirsty, a mouthful of fresh water, and spit it out again, and tell no one."

183. Individual character—Cicero's maxims.—The phi-

* Epictetus, II., xviii. (T. W. Higginson's transl.).

losophers whom we have just cited give us rules to combat and correct our temperament when it is vicious. Cicero, on the contrary, gives us others to maintain our individual character and remain true to it; and these rules are no less useful than the others. He justly observes that every man has his own inclinations which constitute his individual and original character. "Some," he says, "are more agile in the foot-race; others stronger at wrestling; these are more noble, those more graceful; Scaurus and Drusus were singularly grave; Lælius, very merry; Socrates was playful and amusing in conversation. Some are simple-minded and frank, others, like Hannibal and Fabius, more crafty. In short, there is an infinite variety of manners and differences of character without their being for that blamable." *

Now, this is a very sensible principle of Cicero, that we ought not to go against the inclinations of our nature when they are not vicious:

"*In constraining our talents*
We do nothing gracefully,"

said the fabulist. "Let each of us then know his own disposition, and be to himself a severe judge concerning his own defects and qualities. Let us do as the players who do not always choose the finest parts, but those best suited to their talent. Æsopus† did not often play the part of Ajax." Cicero in this precept, "that every one should remain true to his individual character," goes so far as to justify Cato's suicide, for the reason that it accorded with his character. "Others," he says, "might be guilty in committing suicide; but in the case of Cato, he was right; it was a duty; Cato ought to have died." ‡ This is carrying the rights and duties of the individual character somewhat far; but it is certain that, aside from the great general duties of humanity, which are the same for all men, each individual man has a rôle to

* *De Officiis*, I., xxx.

† The greatest tragic actor at Rome, and a contemporary of Roscius, the greatest comic actor.—TRANSLATOR.

‡ *De Officiis*, I., xxxi.

play on earth, and this rôle is in part determined by our natural dispositions; now, we should yield to these dispositions, when they are not vicious, and should develop them.

184. Self-examination.—Finally, what is especially important, considered from a practical standpoint and in the light of moral discipline, is, that each one should render himself an exact account of his own disposition, his defects, oddities, vices, so that he be able to correct them. Such was the practical sense of that celebrated maxim formerly inscribed over the temple at Delphi: "Know thyself." This is Socrates' own interpretation of it in his conversations with his disciples: "Tell me, Euthydemus, have you ever gone to Delphi?"—"Yes, twice."—"And did you observe what is written somewhere on the temple-wall: Know Thyself?"—"I did."—"Think you that to know one's self it is enough to know one's own name? Is there nothing more needed? And as those who buy horses do not think they know the animal they wish to buy till they have examined it and discovered whether it is obedient or restive, vigorous or weak, swift or slow, etc., must we not likewise know ourselves to judge what we are really worth?"—"Certainly."—"It is then obvious that this knowledge of himself is to man a source of much good, whilst being in error about himself exposes him to a thousand evils. Those who know themselves well, know what is useful to them, discern what they can or cannot do; now, in doing what they are capable of doing, they procure the necessaries of life and are happy. Those who, on the contrary, do not know themselves, fail in all their enterprises, and fall into contempt and dishonor."*

185. Examination of the conscience.—To know one's self well, it is necessary to examine one's self. Hence a practice often recommended by moralists, and particularly Christian moralists, known also by the ancients, namely, the *examination of the conscience.*

There is a fine picture of it in Seneca's writings: "We

* *Memorabilia of Socrates*, IV., iv.

should," says the philosopher, "call, every day, our conscience to account. Thus did Sextius; when his daily work was done, he questioned his soul: Of what defect hast thou cured thyself to-day? What passion hast thou combated? In what hast thou become better? What more beautiful than this habit of going thus over the whole day! . . . I do the same, and being my own judge, I call myself before my own tribunal. When the light has been carried away from my room, I begin an inquest of the whole day; I examine all my actions and words. I conceal nothing, allow myself nothing. And why should I hesitate to look at any of my faults when I can say to myself: Take care not to do so again: for to-day I forgive thee?"*

To designate all the practices which experience of life has suggested to the moralists, to induce men to better, correct, perfect themselves in right doing, would be an endless task. No better method in this respect than to read the Christian moralists: Bossuet, Fénélon, Nicole, Bourdaloue. The advice they give concerning the proper use of time, opportunities, temptations, false shame, loose conversations, perseverance, can be applied to morals as well as to religion. Reading, meditation, proper company, good advice, selection of some great model to follow, etc., are the principal means we should employ to perfect ourselves in the right: "If we extirpated and uprooted, every year, a single vice only, we should soon become perfect men." †

186. Kant's Catechism.—An excellent practice in moral education is what Kant calls a moral catechism, in which the master, under the form of questions and answers, sums up the principles of morality. The pupil learns thereby to account for ideas of which he is but vaguely conscious, and which he often confounds with principles of another order, with the in-

* Seneca, on Anger, III., 38. To tell the truth, Seneca forgave himself sometimes too easily perhaps, as, for example, on the day when he defended the murder of Agrippina; we are often too much disposed to imitate him.

† *Imitation of Jesus Christ* I., xi.

stinct of happiness, for example, or the consideration of self-interest.

The following are some extracts from Kant's *Moral Catechism.**

Teacher.—What is thy greatest and even thy only wish on earth?

The pupil remains silent.†

Teacher.—Is it not always to succeed in everything according to thy wishes and will? How do we call such a state?

The pupil remains silent.

Teacher.—We call it *happiness* (namely, constant prosperity, a life all satisfaction, and to be absolutely content with one's condition). Now, if thou hadst in thy hands all possible earthly happiness, wouldst thou keep it wholly to thyself, or share it with thy fellow-beings?

Pupil.—I should share it with them; I should make others happy and contented also.

Teacher.—This already shows that thou hast a good *heart*. Let us see now if thou hast also a good *judgment*. Wouldst thou give to the idler soft cushions; to the drunkard wine in abundance, and all else that will produce drunkenness; to the rogue agreeable manners and a fine presence, that he might the more easily deceive; to the violent man, audacity and a strong fist?

Pupil.—Certainly not.

Teacher.—Thou seest then that if thou heldst all happiness in thy hands, thou wouldst not, without reflection, distribute it to each as he desires; but thou wouldst ask thyself how far he is *worthy* of it. Would it not also occur to thee to ask thyself whether thou art thyself worthy of happiness?

Pupil.—Undoubtedly.

* *Doctrine de la Vertu*, trad. fr. p. 170.

We give here this catechism as an example of what might be done in a course of morals. The teacher can modify its form and developments as he thinks best.

† We can see by this that Kant understood youth. In a Socratic interrogation of this kind, the pupil, distrusting his powers, will always begin by being silent. It is only when he perceives that he knows what was asked him, that he ventures to answer, and answers well.

Teacher.—Well, then, that which in thee inclines to happiness, is called *inclination;* that which judges that the first condition to enjoy happiness is to be worthy of it, is the *reason;* and the faculty thou hast to overcome thy inclination by thy reason, is *liberty.* For example, if thou couldst without injuring any one procure to thyself or to one of thy friends a great advantage by means of an adroit falsehood, what says thy reason?

Pupil.—That I must not lie, whatever great advantage may result from it to me or to my friend. Falsehood is *degrading,* and renders man *unworthy* of being happy. There is in this case absolute necessity imposed on me by a command or prohibition of my reason, and which should silence all my inclinations.

Teacher.—What do we call this necessity of acting conformably to the law of reason?

Pupil.—We call it *duty.*

Teacher.—Thus is the observance of our duty the general condition on which we can alone be worthy of happiness. *To be worthy of happiness and to do one's duty is one and the same thing.*

APPENDIX* TO CHAPTER VIII.

THE UNION OF CLASSES.

A SUBJECT which has attracted much attention, and which is often referred to in conversation, in books, in political assemblies, is the various *classes* of society ; there are upper and lower classes, and between these two, a middle class. We speak of laboring classes, poor classes, rich classes. These are expressions which it were desirable should disappear. They relate to ancient customs, ancient facts, and in the present state of society correspond no longer to situations now all clearly defined. They are vestiges which last long after the facts to which they corresponded have disappeared, and which retained are often followed by grave consequences. They give rise to misunderstanding, false ideas, sentiments more or less blameworthy. I should like to show that in the present state of society, there are no longer any classes, that there are only men, individuals. The word *classes*, in a strict sense, can be applied only to a state of society where social and natural advantages are conferred by the law to certain men at the expense of others ; where some can procure these advantages whilst others never can ; where the public burden weighs on a certain class, on a certain number of men, whilst the others are entirely free from it, and this, I repeat, by the sanction of law, and by social organization.

This state of things has existed, with more or less differences and notably great changes, in all past centuries. Its lowest degree is, for example, that where it is impossible for certain men to procure to themselves the goods desired by all, where they can never own any kind of property, however small, where they are themselves considered property ; where, instead of being allowed to sell and buy, they are themselves sold and bought, themselves reduced to an object of commerce. This state is that called *slavery*.

Slavery, in its strict sense, is the state where man is the property of

* We give this as a useful supplement to Chapter VIII. It is a lecture formerly delivered on the *Union of Classes* (1867, *Revue des cours littéraires*, v., p. 42). . . We beg to be pardoned for what negligences of style may have crept into the improvisation.

other men, is a thing ; where he is bought and sold, and where his work does not belong to him, but to his master.

This state of things existed through all antiquity. Society, with the ancients, was divided into two great *classes* (the term is here perfectly in its place), classes very unequal in numbers, where the more numerous were the property of the least numerous. The citizens, as they were called, or freemen, who constituted a part of the State, the Republic, had no need of working to make a living, because they owned living instruments of work—men.

This state of things, you well know, did not only exist in antiquity ; it was perpetuated till our days, and it is not very long since it still existed in some of the greatest societies of the world. We may consider it at present as wholly done away with.

A notch higher, we find the state called *serfdom*, where man is not wholly interdicted to own property, and where he is allowed a family, which fact constitutes the superiority of serfdom over slavery. It is obvious that in a state of slavery, there can be no family : a man, the property of another, liable to be bought and sold, can have no family. Serfdom, which in the Middle Ages existed in all European societies, and but recently was abolished in Russia, allowed the individual a family, and in a certain measure even the right of property ; but he was a part of the land on which he was born, and, like that land, belonged to a master, a *lord*.

The serf then was, as it is commonly called, attached to the *glebe*, to the land, unable to leave it, unable to buy or sell except under extremely restricted conditions, and thus a part of the soil on which he was born, he belonged with that soil to his lord. This state of things was gradually bettered. The serfs, little by little, acquired by their work a small capital ; they succeeded in buying their liberty from their lords. It is this which gave rise to that ancient society, called *ancien régime*, which preceded the French Revolution. But all men were not serfs ; things had not reached that point ; serfdom had already been abolished by means of certain contracts, certain sums of money which the working-men paid as a sign of their former thraldom. Yet was there still in force much that was iniquitous, forming what is called an aristocratic society, where, for example, some men had the exclusive right of holding and transmitting to their children territorial property, which they were not allowed to put in trade, the exclusive right of holding public functions, of having grades in the army, the right of hunting and fishing, etc. And conversely, on the other hand, whilst the minority enjoyed so exclusively all these privileges, the costs of society rested on the greater number, and these costs the serfs were obliged to pay. Hence a society in which there were classes, since the law conferred

social advantages on some in preference to others, and heavy burdens resting on some without resting on others.

As it is not my purpose to write here the history of modern society, I need not enter into all the details of these facts, which are, besides, quite well known.

You all know that these great social injustices and iniquitous practices disappeared at the time of the Revolution, and that the principal object of the French Revolution of 1789 was precisely to suppress all these privileges conceded to some, and these burdens unequally imposed on others. From that moment, there was equality in law, that is to say, that all men belonging to our present society are allowed to accumulate property, exercise public functions, rise to higher grades—in a word, are considered fit to obtain all the advantages which society has to offer, and which nature allows them to desire and acquire.

Since 1789, society, as a matter of course, has continued to move in the same grooves, and, thanks to work and competition, all that which still existed by way of social inequalities has gradually disappeared ; if, by chance, there still remain in our laws such vestiges of former inequality, they will in time, and with the help of all enlightened men, disappear ; for it is now a truth fully recognized that the good of humanity demands that at least all legal inequalities should be done away with, and that all men, without distinction, should be allowed to acquire any advantages which their special faculties, and the conditions wherein they are placed, enable them to acquire. I say, then, that this being the case, there is no reason why, in the present state of society, men should any longer be designated by classes. They are men, and men alone, and as such they should be allowed to enjoy common advantages, to live by their work—namely, to constitute themselves into families, to cultivate their intelligence, to worship God according to their conscience—in a word, to enjoy all the rights we call the rights of a man and citizen.

But when in a society all legal inequalities have been suppressed, does it necessarily follow that an absolute equality will be the final result ? No. Society can only do away with inequalities of its own making ; inequalities which, from causes we have not time here to set forth, were added to the already existing natural inequalities. For there are natural inequalities ; inequalities which may be called individual inequalities, there being no two persons in the world exactly the same. From this fact alone—men being in a thousand ways different from each other—it necessarily follows that each man's condition is different from that of his fellow-men. Hence an infinite multitude of inequalities which have always existed and always will exist, because they result from the nature of things ; and such inequalities must be clearly distinguished from those dependent on the law.

What now are the principal causes of these inequalities, which I call individual inequalities? They are of two kinds: the inherent faculties of the individual, and the circumstances wherein he is placed.

The faculties of the individual are the work of nature: they spring from his moral and physical organization; and, as I have said above, there being no two men exactly alike, either physically or morally, it naturally follows that there are differences, and these differences bring with them inequalities. Let us, for instance, take the most important of all these differences, namely, physical strength, health. Man is a living being, an organized being, and his organization is subject to the most delicate, most numerous, most complicated conditions. Hence many differences. Some are born strong, robust, able to brave all kinds of temperatures, all sorts of trials—trials of work, of outside events, sometimes the trials of their own excesses even.

Others, on the contrary, are born with a feeble constitution; they are weak, delicate, they cannot bear trials the same as the others.

This is a first difference, and this difference, you well know, may be subdivided into a multitude of others; for there are no two individuals equally healthy, equally strong. What will be the natural result? This, for example: that where strength is required (and every one needs more or less physical strength to accomplish certain heavy works), the strongest will have the advantage over the others; and, after a certain time, of two men who started at the same time, under the same conditions, with equal moral advantages, one, owing to his physical strength, shall have accomplished a great deal, and the other less; one shall have earned much, the other little: their career is unequal.

But it is not always the greater physical strength and health which determine in man his capacity for work; and it is a notable fact, and a matter upon which it is well to insist, namely, that all differences are compensated for, balance themselves, so to say; that such a one, for example, who, in some respect and from a certain point of view, may be inferior to another, may from another standpoint be superior to him; which, again, is as much as to say that there are no classes in society; for if the one who in one respect is inferior to his fellow-man, is in another superior to him, they are equals.

In the class called the laboring class, for example, we see every day that it is not always the strongest and the healthiest that produce the largest amount of work; and love of work is a notable factor in this scale of physical strength, making the balance pretty even. For some delicate men are industrious, whilst others who are stronger are not; some have a natural liking for their work, whilst others again have not. Hence a difference in the character of their work, and, consequently, in the remuneration of it.

A third difference is that of the *intelligence*. All men have received from nature a special gift which distinguishes them from the animals, and which we call intelligence ; but they have not received it all to the same degree. Not all men have the same intellectual faculties, and every one knows how great an element of success intelligence is in all functions, in all departments of human activity, even in those requiring above all physical strength and the use of the hands. It is well known that even the latter find in intelligence their best auxiliary ; that it procures them an invaluable advantage, even over those whose physical strength, facility, ardor, tenacity in work, would seem to forestall all rivalry.

There is finally a fourth element which is also inherent in the individual man, and which distinguishes one man from the other, and this is *morality*. We all know that morality, independently of its own merit, its incomparable, intrinsic merit, a merit which cannot be estimated by its fruits, is of itself alone one of the greatest factors in bringing about important results in practical life. We all know that even setting aside the intrinsic worth of morality—honesty, virtue—the work resulting from our physical efforts is greatly enhanced by this precious element. We all know that economy, sobriety, a spirit of peace and concord, devotion to the family—in short, all moral elements—give to him who exercises them a vast superiority over his fellows who do not, despite his intellectual and physical disadvantages.

When I say that morality is an element of inequality, I wish to be understood rightly. There are, it is true, moral inequalities among men ; and from these moral inequalities spring others ; but morality is not in itself a principle of inequality, for what precisely constitutes morality, is that all men can equally attain to it ; that it wholly depends on the individual man to attain to it or not. So that if, on this point, a man finds himself inferior to another, he can blame no one for it but himself.

Here, then, is a point where the law is of no avail ; where it is evident that man is the master of his actions, and gains for himself what morality he wishes ; if, then, there results from this a certain inequality among men, this inequality is to be attributed to the free-will of the individual man, who did not profit by the admirable gift Providence has endowed him with—namely, moral liberty—and by means of which he can choose between the right and the wrong.

You see, then, that there are many causes differentiating men from each other, and in such a manner that it is impossible to define them strictly. We cannot say : there are on the one hand the strong, and on the other the weak ; on the one the intelligent, on the other the feeble-minded, because all these elements so combine as to compensate for one

another. Once more, he who is least favored in one direction, may be better favored in another; he who has an inferior share of intelligence and physical strength, may be the first in will-power. We can thus always fill out natural inequalities, and correct and overcome them by an effort of the will.

Still, however that may be, and despite all effort of individual will-power and moral energy, there unquestionably result from these individual differences a multitude of different conditions among men. Besides, and independently of these purely inward causes due to both the physical and moral constitution of the individual man, there are yet outward causes of inequality. These are the circumstances, the conditions wherein we are born and live.

We are all more or less dependent on the physical and social conditions which surround us. It is quite certain that birth, for example, is a circumstance wholly independent of the will of man. Some are born in the most favorable, some in the least favorable social conditions—some rich, some poor; facts which depend neither on their constitution nor on their will. There are, moreover, still other outward circumstances. One may be born in a rich, a civilized, an enlightened, a progressive country, or in a poor, barbarous, benighted country. One may live in a place where there is every means of education, of making a living, of improving one's self, where there may be a thousand favorable openings for a man, and again, on the contrary, in a place far away from all civilization, without opportunities for work, without enlightenment, without means of communication with other men. All such circumstances are independent of the will of the individual man, and can only be corrected in time and through the progress of civilization, which gradually equalizes all countries.

There are yet, besides all this, what is generally called the happy and unhappy chances of life. Everybody knows that human events do not always run as one would wish them, that things turn out more or less fortunately, as circumstances, and not men, order them. One may, for instance, get sick, when he has most need of health; a wife loses her husband, the support of her family, when she has most need of him; one may engage in an enterprise apparently founded on the best conditions of success: this enterprise fails on account of unexpected events, and without its being any one's fault. In commerce, for instance, we see every day the most unfortunate consequences of outward circumstances, against which one is utterly helpless, because, in commerce especially, there is a large share to be left to chance, to the unknown, which no one can calculate beforehand. Now, all such unexpected events, as they are realized, overthrow all our plans, and are cause that some attain to wealth, and others fall into poverty. Farmers particularly know but

too well how dependent they are on outward circumstances. Cold, heat, rain, are for them elements of fortune or misery, and they are elements over which they have no control whatsoever.

Now these elements, working blindly, as it would seem, are the chief cause of the great diversity of human conditions. Some, it is said, are lucky; others are not; some meet with favorable circumstances, others with contrary and fatal circumstances. Everything seems to co-operate toward crushing some, whilst everything again favors the success of others. These causes are innumerable, and could be multiplied *ad infinitum;* they explain the infinite variety of human conditions, how there are none exactly similar, and how there are consequently no two men exactly alike.

They are equals as men, in the sense that they have the same rights to justice, to truth; the same rights of conscience; but they are not equals as to their circumstances, which circumstances, as we have seen, vary in every respect. But, it may be asked, why all these inequalities? Why are some happy and others unhappy? Why some rich, fortunate, powerful, intelligent, virtuous even? (for it would almost seem that up to a certain point, virtue also depends on social position, since those who are born in a more elevated condition have greater facilities to exercise virtue); why are others, on the contrary, unfortunate, obliged to work so hard to arrive at such poor results; to be scarcely able to make a living for themselves or their family? Certainly these are indeed most grave and serious questions. But, what I contend for is, that it is not to society we should put these questions, but to Providence, who has made life what it is. Society can do but one thing, namely, not to add to natural inequalities, social ones. It can also, to a certain degree, lessen the natural inequalities; but it is not wholly responsible for man's moral and physical constitution; it is not wholly responsible for the course of events in the world; so that if we would know why things are thus fashioned, we must rise higher; we must not make our fellow-men or society in general answerable for them. I only add that, as legal inequalities disappear, so will the natural inequalities also vanish, and this is the essential point. Natural inequalities cannot be wholly corrected, for the reasons above stated; but as society, in doing away with legal inequalities, strives to lessen the share of responsibility it has heretofore had in these inequalities, the natural inequalities must necessarily grow less, and for the simple reason that avenues being opened to man to enjoy the fruit of his labor, and acquire the rights society holds now out to him, he will be able to fill out these natural inequalities. The inequality of intelligence was largely due to want of culture. As soon as men shall be educated, enlightened, shall themselves endeavor to learn, the differences in human intelligence will gradually disappear; for it has been observed

that as civilization progresses, the number of great men diminishes, and what was formerly called genius, is lost in the larger development of society. This may be only an illusion, for genius never changes; only as the existing differences among men become lessened, the inequalities which separated the great men from the rest are less obvious.

Thus, the more you shall put into the hands of men, and if possible of all men, means for educating themselves, the more you will find these differences vanish; the more will they grow like each other, the more will human intelligence become equalized.

On the other hand, as social and legal inequalities disappear, public prosperity, public wealth, public comforts, will increase at the same rate. As the physical strength of men develops, so will the means of combating infirmities, diseases, all that weakened, enervated, depraved the populations, develop also. As the moral differences diminish (not indeed in the sense that every one will reach the same degree of virtue—that is impossible), the rudeness, the brutality, certain odious vices due to ignorance, to barbarous manners, to the insufficient means of communication with each other, will gradually disappear; and thus, in respect to civilization also, will men grow more like each other.

You see, then, that by culture, by the progress of civilization, all these inequalities due to outward circumstances, may be combated. Society at the present time, being more ingenious, more enlightened, more clever than in past days, has at its command a multitude of means wherewith, if not to destroy, at least to reduce the ill effects of outward chances. That, for example, which we call *life-insurance*, is very effective indeed in combating misfortune. By means of a small sacrifice, every man may in some respect protect himself against chances which formerly reduced a large part of the population to misery. It is the same with other similar societies of mutual assistance and benefit; they will increase in proportion to general progress, and will largely counteract the unhappy results of such inequalities as may be combated by human industry.

I go still further; I maintain that the inequalities above noted not only should not be imputed to society, but not even to Providence. They are legitimate and useful; they are the necessary stimulant to work. It is because of that very great variety of conditions that men make the proper efforts to better them, and that by these efforts, by this common labor, society progresses.

Why does every one work? Is it not that each sees above him a position he covets, and which he seeks to secure? It is not the first of positions, nor the highest, for man does not think of those too far above him, nor should he; but the next best, such as others like him occupy, he can attain. If he earns a little money only, he tries to earn more; if he is only a workman, he may become a foreman; if only a

foreman, a master; if only a master, a capitalist. He who is but a third clerk will want to be second clerk; he who is second will want to be first; and thus through the whole series of degrees. Now, it is just the possibility of securing a better situation than the one we are in that stimulates us to work and make the necessary efforts. Suppose (a thing, of course, impossible) that all men could be assured of a sufficient quantity of daily bread equally distributed among them, human activity would at once come to a stop, human work would cease; society would consequently become impoverished, and, becoming impoverished, even the small portion each one is satisfied with could no longer be possible, and they would have to fall back upon work again. Work requires a stimulant, and it is the inequality of human conditions which furnishes this stimulant.

Societies are like individuals. Every society has always before its eyes a condition better than the one it is in, a state of greater material prosperity, of greater intellectual development; and it is because we long to reach that superior state that society strives after improvement. There are, indeed, societies that are indifferent to this; that do not experience such a want; but such peoples remain stagnant in their barbarous ignorance; they never advance. It is the civilized nations who are not satisfied with their condition, and where every one endeavors to better his own. We should, therefore, look upon the inequalities which favor individual development, which assist the progress of the race, which excite every man to make an effort to better his condition, as truly desirable.

I have demonstrated how the great legal inequalities which, before the French Revolution, authorized the division of society into classes, have now disappeared, and that what remains, and must of necessity remain, are the natural inequalities resting, on the one hand, on individual faculties, and on the other, on the diversity and the inequality of the conditions wherein we are placed. Let us now see whether in these conditions there is something requiring society to be divided into parts: — some people above, some below, some in the middle, and whether each of these parts should be called a class. I look in vain for anything whereon such distinctions could be based. Let us take the most natural fact which could serve as a basis for such distinctions —namely, fortune, wealth.

It is said: there are the rich and the poor. But what more vague than such terms? Where does poverty stop? Undoubtedly, there are wretched people in all societies. There is no society wholly free of poor unfortunates, so unfortunate as to require the assistance of others. It is what we call beggary, and it exists in all societies. But this is not an element which may be said to constitute a class. It is not any more

correct to say the class of beggars than the class of invalids. There are invalids in all societies, and we are all subject to becoming invalids, but we cannot say that there is a class of invalids. Those who are ill are to be pitied, but they do not, I repeat, constitute a class, which would allow us to divide society into two parts : a class of people that are well and people that are sick. The same with beggary ; it is an anomaly, an unfortunate exception to the rule, and very sad for those who are its victims, but it does not constitute a class. Yet it is not this we generally understand by the poor and the rich classes. We understand by rich those who have a certain appearance of well-being ; and by poor those who work more or less with their hands. Now, there is nothing more false than such a distinction, for, among those called rich, there are many that are poor, and wealth and poverty are not generally absolutely different. It depends on the relations between the wants and the means of satisfying them.

How many among physicians, lawyers, artists, for example—among men who belong to what we call the middle class—are, I ask, not only poor, but wretched ? How are we to know them ? What is it marks in society the rich and the poor ? Here we have, for instance, country people, good folks, who have never opened a book, who do not know A from B, and who are rich ; and again others of the middle class who are poor. The conditions in society so intertwine that it is impossible to cut it in two and say : these are the rich classes, these the poor. There is an infinite variety of degrees, each having some sort of property, the one more, the other less. In such a number of degrees it is impossible to distinguish precisely the beginning or the end. We admit these individual inequalities, and as many different conditions as there are individuals ; but there are no classes, and no one could tell their beginnings and ends. How could you determine the amount of property requisite to belong to either of these categories—the rich or the poor ? Shall you say that the rich man is he who has any capital, and the poor, he who has not any ? There are many people with capital that are poor, and many without who are very well off. These are but arbitrary distinctions.

Upon what, then, shall we base class differences ? On the professions ? On those who exercise public functions and those who do not ? But this would, in the first place, be a very unequal division ; for the number of public functionaries is very small in comparison with the immense mass of people who have no public profession. And again, wherein is the public functionary superior to this or that merchant, this or that big farmer, this or that great builder or contractor ? It is impossible to say : for in the hierarchy of functionaries there is also a top, a middle, a bottom, with an infinite variety of degrees in each.

Take the nobility. But who in these days troubles himself about aristocratic names? They are, unquestionably, valuable *souvenirs* for those who can boast of them—of great historical names, for instance; names which have played a part in history; they are grand recollections to cherish and respect, but they give him who possesses them but very feeble advantages. It is not very long since there might have been found some legitimate ground for the class distinctions we are examining, namely, in political rights, at a time when some few enjoyed political rights and a great many had none; but this time has gone by, this inequality is also wiped out; there are no more political classes than there are social classes.

Shall we take material work—work of hand, as a class distinction among men? We hear often the term *laboring classes*—men, namely, who live by work of hand; but are not those who work with their brains, workers also? There are a thousand kinds of work, and it is not absolutely necessary one should work with his hands to be a worker. Besides, there are many people working with their hands, who do not belong to what is usually understood by the laboring class: the painters, sculptors, chemists, surgeons; all these people work with their hands. You see, then, that, look at it as you will, it will be very difficult to find distinctive signs whereby society could be divided into classes.

There are groups of workers; groups formed by the variety of work which has to be done. Everybody cannot do the same thing in society. Political economy teaches a very true and necessary law, called division of labor. In order that a certain piece of work be well done, its different parts must be distributed among those who are capable of executing them; and the more each one will exclusively attend to the portion allotted to him, the better will the work be done.

It is the same with society. Society is a great work-shop, a vast factory, where there are a great many different kinds of work to be done. Each must do his share. Hence various groups of workers. Some cultivate the land, because men must be fed; some engage in industrial pursuits, for men must be clothed, must be housed against the inclemencies of the weather; then there is justice to be rendered; there are some needed to protect the laborers; men must also be educated and need educators. There are roads to be made, railroads to be laid, laws to be enforced, and all this gives rise to a multitude of functions, a large number of groups of workers, each working in the line which has been determined, more or less, by birth, circumstances, or natural ability. Shall we still say that each of these groups forms a class? Shall it be the military class, because it is composed of soldiers; the class of ecclesiastics, because composed of priests; the teaching class, because

composed of teachers? In no wise. Then should we neither speak of the laboring classes—of the middle classes.

There is, I repeat, but one society, and that society composed of an infinite number of individuals; all differing from each other by reason of their various natural endowments and the outward conditions in which they are placed. They are subdivided into groups which more or less blend with each other, are more or less dependent on each other.

There is, however, a sign whereby men may be distinguished from each other, and that is education: difference in instruction and culture; and this is in these days the only kind of difference that can still exist among them.

How is this to be remedied? In two ways: in observing the duties of society and the duties of individuals. Society at this present moment is doing all in its power to bring education within the reach of all, and according to the particular need of each. Of course all are not obliged to learn the same things. Even among the most enlightened, there are some who, relatively to others, are quite ignorant. So that there are degrees here also. But still there is a certain common ground of customary, useful, necessary knowledge, which brings all together:—the education common to all, and which is as a bond between them. Society is doing its best in extending this education, propagating it, developing it; and men should do their best toward it. It depends, therefore, on the individual man to do away with this last inequality. It behooves us, then, to disseminate education and instruction, as far as it lies in our power; and it behooves those who have not yet enjoyed it to make every effort to improve themselves.

Finally, connected with education, there is a feature which also establishes a certain difference between men: good manners; good habits; good morals; all of which are distinguishing, differentiating, traits. On whom is it incumbent to do away with such inequalities? On us all. Each of us, in his own individual sphere of life, must break down the barrier that separates him from the one above him; he must rise up to him, not so much through morality, for morality is the same below as above, but through his manners, his habits, his dignity, sobriety, politeness, he must win his esteem.

This is accomplished rather through education than instruction, for it is education that makes men good-natured, so that it will be through education that the last inequality between men will be effaced.

I say, then, that we should as much as possible work toward this end, and above all avoid using expressions which tend to separate men from each other. These expressions belong to a past age; they were perpetuated by usage, and still uphold certain imaginary rights, and modes of thinking—certain prejudices and sentiments which divide society into

two parts, and cause it to believe that it is so divided from necessity. In indulging in such prejudices, what in fact is but an imaginary division becomes a real one.

It is, therefore, this imaginary division of classes which must be done away with ; for it is from the imagination that all these feelings of distrust, and jealousy, and ill-will generally spring ; and they should be combated resolutely, for they carry with them very lamentable consequences. The remedy is where the evil is. These old prejudices residing in the imagination, it is the imagination we should correct. We must accustom ourselves to think differently ; we must look upon ourselves not as belonging to a particular class, but to one and the same society, a society of men, men all equals and in different social conditions, all entitled to the same rights.

It is, therefore, in reciprocal good feeling, in the heart of men rather than in any legal reform, that the true safety of society resides. We must give up those old notions which cause some to imagine that they are oppressed, or threatened, or prevented to rise in the social scale, and others, that they run the danger of being dispossessed of their privileges. There is in such antagonism far greater danger than in the actual evils both sides complain of.

To do away with it only requires reciprocal good-will, kindness, readiness to understand each other. The reform which has taken place in our laws, must take place in our minds also. Class feeling must be suppressed, and there will then appear a truly human society, all being united by brotherly love.

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